

**WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC
PRESERVATION – July 30, 2007 (continued)**

Dr. Allyson Brooks
07-SED-0325

-3-

JUL 30 2007

If you have questions, you may contact me, or you may contact Doug S. Shoop, Assistant
Manager for Safety and Engineering, on (509) 376-0108.

Sincerely,



David A. Brockman
Manager

SED:ALR

Enclosures

1. TC & WM CRR Inventory
2. Findings

cc w/encls:

L. Aleck, YN
G. Bohnce, NPT
R. Buck, Wanapum
G. Cleveland, YN
T. Farrow, CTUIR
S. Harris, CTUIR
R. Jim, YN
J. Longenecker, CTUIR
C. Pleasants, Colville
M. Sobotta, NPT
V. Sonneck, NPT

cc w/o encls:

E. P. Kennedy, PNNL

**Enclosure 1 to Washington State Department of Archaeology and Historic Preservation,
July 30, 2007 – Cultural Resources Inventory**

PNNL-16586

**Pacific Northwest
National Laboratory**
Operated by Battelle for the
U.S. Department of Energy

**Cultural Resources Inventory of Previously
Unsurveyed Lands Located in Activity
Areas that are Associated with DOE-RL
Tank Closure and Waste Management
Proposed Activities, Benton County,
Washington**

(HCRC# 2007-600-018)

E. P. Kennedy
D. C. Stapp
B. N. Bjornstad

May 2007

Prepared for the U.S. Department of Energy
under Contract DE-AC05-76RL01830



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Information Act (5 U.S.C. 552), exemption number 3. U.S.
Department of Energy review is required before public release.

Name/Org: E. Prendergast-Kennedy

Date: 4/27/07

Guidance: NHPA, ARPA

**Enclosure 2 to Washington State Department of Archaeology and Historic Preservation,
July 30, 2007 – Cultural Resources Review**

PNNL-16587

**Pacific Northwest
National Laboratory**
Operated by Battelle for the
U.S. Department of Energy

**Cultural Resources Review in
Support of the Tank Closure and
Waste Management Environmental Impact
Statement for the Hanford Site, Richland,
Benton County, Washington**

(HCRC# 2007-600-018)

E. P. Kennedy

May 2007

Prepared for the U.S. Department of Energy
under Contract DE-AC05-76RL01830

OFFICIAL USE ONLY

May be exempt from public release under the Freedom of
Information Act (5 U.S.C. 552), exemption number 3. U.S.
Department of Energy review is required before public release.

Name/Org: E. Prendergast-Kennedy

Date: 4/27/07

Guidance: NHPA, ARPA



ADVISORY COUNCIL ON HISTORIC PRESERVATION – September 5, 2007



07-SED-0356

John M. Fowler, Executive Director
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Ave, NW, Suite 803
Washington, D.C. 20004

Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

SEP 05 2007

Dear Mr. Fowler:

INVITATION TO PARTICIPATE IN THE NATIONAL HISTORIC PRESERVATION ACT (NHPA) MEMORANDUM OF AGREEMENT (MOA) FOR BORROW AREA C AND TANK CLOSURE & WASTE MANAGEMENT ENVIRONMENTAL IMPACT STATEMENT (TC&WM EIS), HANFORD SITE, RICHLAND, WASHINGTON

The U.S. Department of Energy, Richland Operations Office has determined there will be an adverse effect to National Register Eligible Rattlesnake Mountain regarding the subject projects and is inviting your office to participate in the resolution of the adverse effect (NHPA 36 CFR 800.6). The Borrow Area C MOA will encompass an area approximately 5 acres in size. The TC&WM EIS MOA will encompass an area approximately 2000+ acres. Dialog will commence in the near future with the affected Tribes and the Washington Department of Archaeology and Historic Preservation on the preparation of a MOA. Enclosed with this correspondence is the cultural resource review documentation for the aforementioned projects. If you have any questions, please contact Pete J. Garcia, Jr., Director, Safety and Engineering Division, on (509) 372-1909.

Sincerely,

Rob G. Hastings, Acting Assistant Manager
for Safety and Engineering

SED:ALR

Enclosures *

cc: See page 2

* Copies of enclosures consist of letters and enclosures to the Washington State Department of Archaeology and Historic Preservation, dated April 6, 2007, and July 30, 2007. See pages C-97 and C-112.

ADVISORY COUNCIL ON HISTORIC PRESERVATION – September 5, 2007 (*continued*)

John M. Fowler
07-SED-0356

-2-

SEP 05 2007

cc w/encls:
D. Klima, ACHP
T. McCulloch, ACHP

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G. Bohnet, NPT
A. Brooks, DAHP
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WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC
PRESERVATION – September 25, 2007



07-SED-0375

Department of Energy

Richland Operations Office
P.O. Box 550
Richland, Washington 99352

SEP 25 2007

Dr. Allyson Brooks
State Historic Preservation Officer
Department of Archaeology and Historic Preservation
Washington Department of Community,
Trade and Economic Development
P.O. Box 48343
Olympia, Washington 98504

Dear Dr. Brooks:

**NATIONAL REGISTER OF HISTORIC PLACES DETERMINATION OF ELIGIBILITY FOR
LALIIK TRADITIONAL CULTURAL PROPERTY**

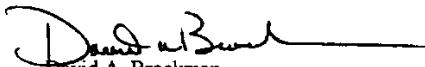
The U.S. Department of Energy, Richland Operations Office (RL) is transmitting documentation to support a National Register Determination of Eligibility for that portion of the *Laliik* Traditional Cultural Property (which includes Rattlesnake Mountain) that is under DOE's management responsibility. This Determination does not constitute a nomination for such listing. We have reviewed the criteria for National Register eligibility (36 CFR 60.4) and have concluded that *Laliik* meets Criteria A and B. *Laliik* is a spiritual location of importance to American Indian Groups in the Mid-Columbia Plateau region. It is also associated with Smohalla, an important 19th century prophet.

Based on our review, RL has determined that the portion of the *Laliik* Traditional Cultural Property that is under DOE management responsibility is eligible for listing on the National Register of Historic Places. The attached supporting documentation of *Laliik* is based on information and the enclosed maps provided by the Yakama Nation.

Once your office has reviewed the enclosed documentation, please let us know of your decision to concur by forwarding us a copy of the signature page for our files so we may distribute it to area Tribes.

If you have any questions, please contact me, or your staff may contact Rob G. Hastings, Acting Assistant Manager for Safety and Engineering, on (509) 376-9824.

Sincerely,


David A. Brockman
Manager

SED:ALR

Enclosure *

cc w/encl:
M. Houser, DAHP
G. Hughes, FWS

* Enclosure not included.

ADVISORY COUNCIL ON HISTORIC PRESERVATION – November 2, 2007



Department of Energy

Washington, DC 20585

NOV 2 2007

Mr. John M. Fowler
Executive Director
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 803
Washington, DC 20004

Dear Mr. Fowler:

Thank you for your October 1, 2007, letter to the Secretary of Energy providing notification that the Advisory Council on Historic Preservation will participate in consultation for the Tank Closure and Waste Management Environmental Impact Statement (TC&WM EIS) and the Borrow Area C project Memorandums of Agreement (MOAs). The U.S. Department of Energy (DOE) is scheduled to issue the draft TC&WM EIS in Spring 2008. DOE's Richland Operations Office (RL) will continue consultations on this EIS shortly thereafter. For the treatability study (Borrow Area C project) MOA, DOE-RL will contact you soon regarding the ongoing consultations. Mary Beth Burandt, DOE-ORP, is your point of contact for the TC&WM EIS. Please contact Ms. Burandt at (509)372-7772. Annabelle Rodriguez, DOE-RL, will be your point of contact for the Borrow Area C MOA and she can be reached at (509) 372-0277.

We appreciate your assistance in helping the Department to complete its consultation in a timely and effective way.

If you have any questions, please contact Mr. Pete Garcia, Jr., Director, Safety & Engineering Division, Richland Operations, at (509) 372-1909.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Marcinowski".

Frank Marcinowski
Deputy Assistant Secretary for
Regulatory Compliance
Office of Environmental Management

cc: Pete Garcia, Jr., Richland Operations
Mary Beth Burandt, DOE-RL
Annabelle Rodriguez, DOE-RL
Rob G. Hasting, Richland Operations



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**WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC
PRESERVATION – June 30, 2008**



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

08-EMD-0059

JUN 30 2008

Dr. Allyson Brooks
State Historic Preservation Officer
Department of Archaeology and Historic Preservation
Washington Department of Community,
Trade and Economic Development
P.O. Box 48343
Olympia, Washington 98504

Dear Dr. Brooks:

**TRANSMITTAL OF FINDINGS FOR CULTURAL RESOURCES REVIEW (CRR) AND
INVENTORY FOR THE INTERIM PRETREATMENT SYSTEM FACILITY, 200 EAST
AREA, HANFORD SITE, RICHLAND, WASHINGTON (HCRC#2008-200-017)**

Enclosed for your review is the CRR completed by the U.S. Department of Energy, Richland Operations Office (RL). The Area of Potential Effect (APE) for the subject project was provided to your office and area Tribes on May 29, 2008. Dr. Rob Whitlam, of your office concurred with the APE on June 3, 2008. No other written comments were received. The project was presented at the May 22, 2008, Cultural Resource Meeting. Based on verbal comments received from Tribal members, a walk down of undisturbed portions of the project area took place on June 5, 2008. The enclosed CRR and Field Inventory document the literature review, field walk down, and Tribal input.

Based on information in the CRR and Field Inventory, RL finds there will be no affect to historic properties as none were identified within the APE. Pursuant to 36 CFR 800.2(a)(4), RL is providing documentation to support the findings and to involve your office and area Tribes as consulting parties in the National Historic Preservation Act Section 106 Review Process.

If you need additional information on this project, you may contact Stephen R. Weil, Director, Environmental Management Division, on (509) 372-0879.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob G. Hastings", is written over the typed name.

Rob G. Hastings, Acting Assistant Manager
for Safety and Environment

EMD:ALR

Enclosure

cc: See Page 2

**WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC
PRESERVATION – June 30, 2008 (*continued*)**

Dr. Allyson Brooks
08-EMD-0059

-2-

cc w/o encl:
E. P. Kennedy, PNNL

cc w/encl:
L. Aleck, YN
L. Buck, Wanapum
G. Bohnce, NPT
T. Farrow, CTUIR
G. Cleveland, YN
D. Jackson, NPT
J. Longenecker, CTUIR
S. Harris, CTUIR
R. Jim, YN
D. Miller, YN
C. Pleasants, Colville
A. Smith, NPT
M. Sobotta, NPT
V. Sonneck, NPT

**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory**



U.S. DEPARTMENT OF
ENERGY

PNNL-17638

Prepared for the U.S. Department of Energy
Under Contract DE-AC05-76RL01830

**Cultural Resources Review and
Inventory for Interim Pretreatment
System Facility to Support
Treatment of Hanford Tank Waste
and the Waste Treatment Plant,
200 East Area, Hanford Site
(HCRC#2008-200-017)**

EP Kennedy

June 2008



Pacific Northwest
NATIONAL LABORATORY

**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)**

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**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)**

PNNL-17638

**Cultural Resources Review and
Inventory for Interim Pretreatment
System Facility to Support
Treatment of Hanford Tank Waste
and the Waste Treatment Plant,
200 East Area, Hanford Site
(HCRC#2008-200-017)**

EP Kennedy

June 2008

Prepared for
the U.S. Department of Energy
under Contract DE-AC05-76RL01830

Pacific Northwest National Laboratory
Richland, Washington 99352

**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)**

Executive Summary

This document is a *National Historic Preservation Act of 1966*, Section 106, cultural resources assessment of a U.S. Department of Energy, Office of River Protection project associated with construction of the Interim Pretreatment System Facility located in the 200 East Area of the Hanford Site in Richland, Washington.^{1,2}

The area of potential effect is defined as being confined to areas selected for the proposed facility, including building footprints and areas of ground disturbance associated with construction. Per 36 *Code of Federal Regulations* 800³, the Washington State Historic Preservation Office, Yakama Nation, Nez Perce Tribe, Wanapum, Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Colville Reservation were notified of the area of potential effect on May 29, 2008. A cultural resources survey of undisturbed portions of the project area of potential effect was completed on June 5, 2008. No archaeological resources were recorded. Results of the cultural resource review indicate there are no historic properties known to be located within the project area of potential effect.

¹ *National Historic Preservation Act of 1966*. 2000. Public Law 89-665, as amended, 16 USC 470 et seq.

² *Comprehensive Environmental Response, Compensation, and Liability Act*. 1980. Public Law 96-150, as amended, 94 Stat. 2767, 42 USC 9601 et seq.

³ 36 CFR 800. "Protection of Historic Properties." *Code of Federal Regulations*, U.S. Government Printing Office.

**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)**

Acronyms and Abbreviations

APE	Area of potential effect
CFR	<i>Code of Federal Regulations</i>
CHRP	DOE-RL Cultural Resources Program
DOE-ORP	U.S. Department of Energy, Office of River Protection
DOE-RL	U.S. Department of Energy, Richland Operations Office
GLO	General Land Office
HCRC	Hanford Cultural Resources Compliance
IPS	Interim Pretreatment Facility
LAW	Low Activity Waste
PNNL	Pacific Northwest National Laboratory
SHPO	Washington State Historic Preservation Office
WTP	Waste Treatment Plan

**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)**

Contents

Executive Summary	iii
Acronyms and Abbreviations	v
1.0 Introduction	1
2.0 Background and Project Description	1
2.1 Background	1
2.2 Project Description	1
3.0 Notifications and Public Involvement	4
4.0 Environmental and Cultural Setting	5
4.1 Cultural Setting of Area of Potential Effect	6
4.2 Literature Review	6
5.0 Research Design and Objectives	7
6.0 Cultural Resources Inventory Field Methods and Results.....	7
7.0 Findings	11
8.0 References	11

Figures

2.1 Area of Potential Effect in Relation to the Hanford Site	2
2.2 Area of Potential Effect Overlaid in a USGS Topographic Map, Washington State Quadrangle, Gable Butte, 1986, 7.5 Minute Series	3
3.1 APE Overlaid on a 2006 Aerial Photograph	4
6.1 Survey Transects in Relation to Project APE Overlaid on USGS Topographic Map	8
6.2 Survey Transects in Relation to Project APE Overlaid on 2006 Aerial Photograph Showing Undisturbed and Disturbed Areas	9
6.3 Overview of IPS Candidate Site #1 Taken From the South	10
6.4 Overview of IPS Candidate Site #2 Taken From the South	10

**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)**

1.0 Introduction

In compliance with 36 *Code of Federal Regulations* (CFR) 800, this document is a *National Historic Preservation Act of 1966*, Section 106 cultural resources assessment and cultural resources inventory of a U.S. Department of Energy (DOE), Office of River Protection (ORP) project associated with construction of the Interim Pretreatment System (IPS) Facility located in the 200 East Area at the Hanford Site. Although this undertaking is associated with DOE-ORP scope, the activity is occurring on the Hanford Site, which is managed by the DOE, Richland Operations Office (DOE-RL). Therefore, DOE-RL is taking the lead on the Section 106 cultural resources assessment. This assessment and inventory was completed for CH2M HILL Hanford Group, Inc., DOE-ORP, and DOE-RL. The cultural resources inventory covered approximately 8 acres. Copies of this report will be sent to area tribes and the Washington State Historic Preservation Office (SHPO) for their files. The DOE-RL Cultural and Historical Resources Program (CHRP) maintains copies and associated records in the Hanford Cultural Resources Project Archive Room, located at the Sigma V Building, 3110 Port of Benton Boulevard, Richland, Washington.

2.0 Background and Project Description

2.1 Background

Construction of DOE's Waste Treatment Plant (WTP) Pretreatment Facility was delayed to allow for resolution of seismic and other technical issues and is projected to be operational by 2019. The WTP Low Activity Waste (LAW) Vitrification Facility could be ready for startup approximately 5 years before the Pretreatment Facility around 2014. Because the LAW Facility relies on the Pretreatment Facility to provide feed, the LAW startup would be delayed or an alternate feed source identified until the Pretreatment Facility was completed.

The IPS Facility is being proposed as an interim solution to address the time gaps between the completion dates of these two facilities. The IPS Facility would provide pretreated LAW feed and allow the WTP LAW Facility to begin operation in advance of the WTP Pretreatment Facility. An earlier start to LAW treatment would also be beneficial to tank-farm space management and would allow for early processing and final treatment of LAW waste. Preliminary evaluations indicated that 5 years of early LAW treatment could free up 4.7 million gallons of double-shell tank space and process up to 8 percent of the total LAW inventory (CH2M HILL 2007).

2.2 Project Description

The project is currently in the conceptual stage. Two locations in the 200 East Area of the Hanford Site have been identified for the siting of the IPS Facility (Figures 2.1 and 2.2). Construction and operations are planned to support treatment of tank wastes and the WTP Vitrification Facility. The two potential sites are identified as IPS Facility candidate site #1 and #2 in Figure 2.2. Figure 2.2 also depicts the approximate location of the IPS Facility and additional footprint required for construction, known as the area of potential effect (APE). The footprint area for IPS candidate site #1 totals approximately 8 acres and site #2 totals approximately 4.2 acres. Expected ground-disturbing activities that may occur

**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory *(continued)***

in the proposed footprints includes waste processing facilities, connections to water and waste treatment lines, facility ventilation, support buildings, parking area, and contingency space for waste processing facility expansion. Waste processing facilities will include concrete vaults, containing process vessels that will extend approximately 30 ft below grade and concrete buildings enclosing processing vessels that may extend approximately 30 ft above grade.

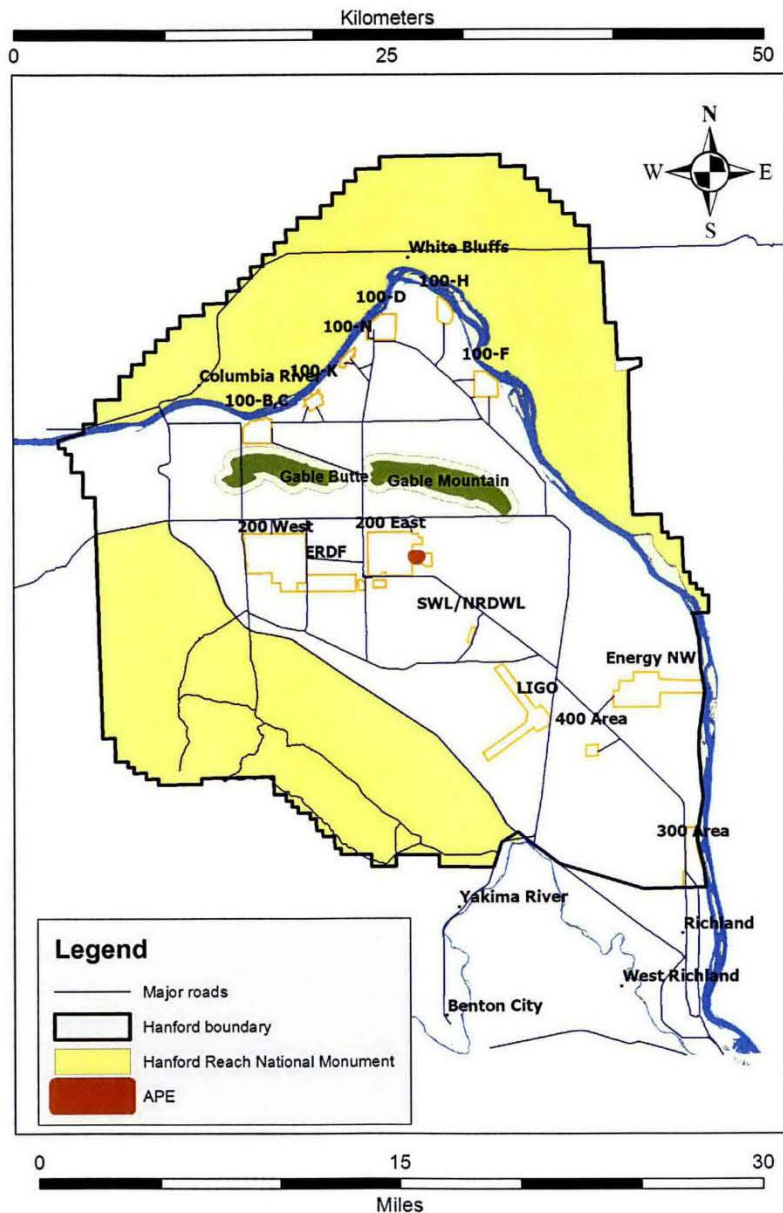


Figure 2.1. Area of Potential Effect in Relation to the Hanford Site

Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)

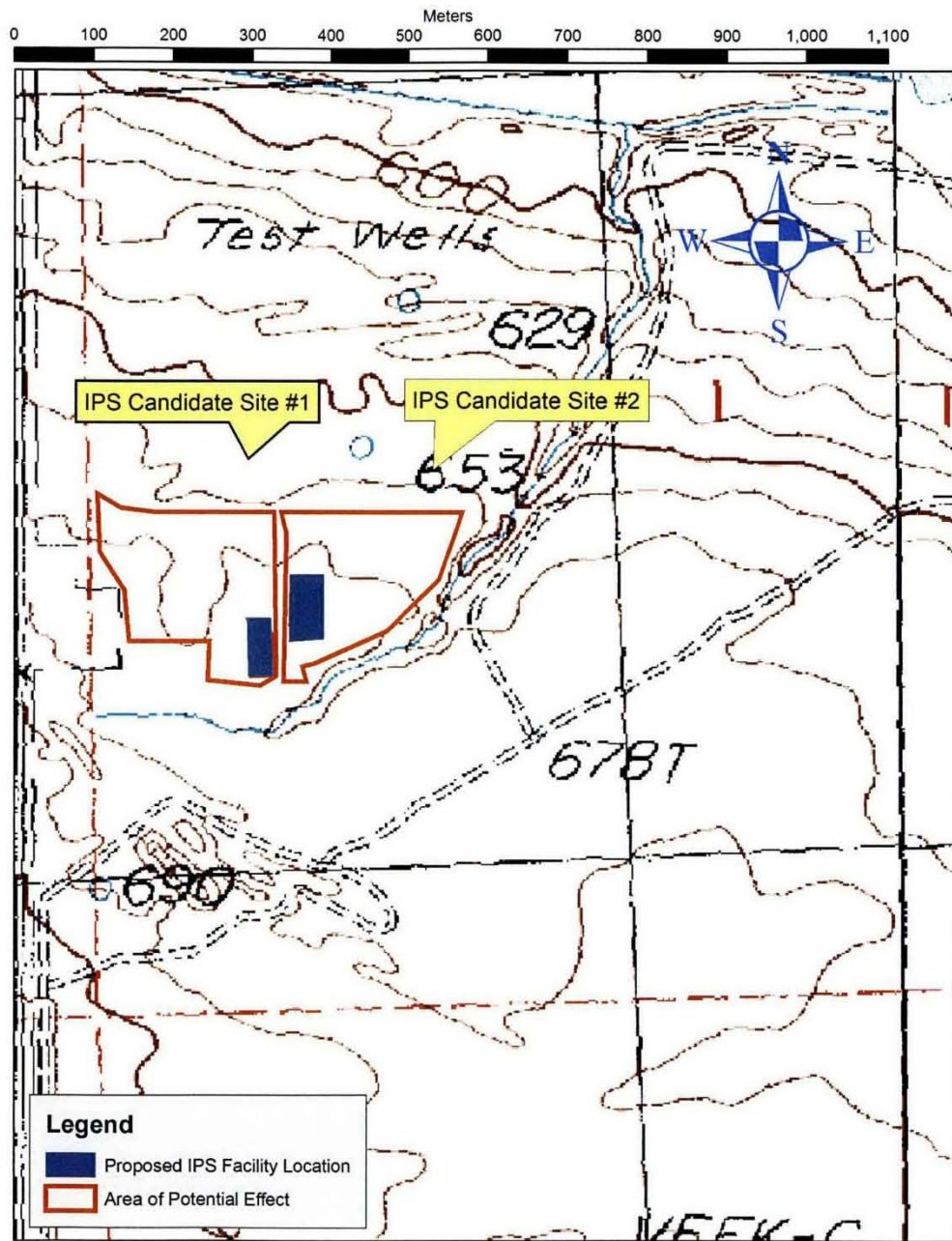


Figure 2.2. Area of Potential Effect Overlaid in a USGS Topographic Map, Washington State
Quadrangle, Gable Butte, 1986, 7.5 Minute Series. Township 12 North, 26 East, Section 1.

**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)**

3.0 Notifications and Public Involvement

Per 36 CFR 800, on May 29, 2008, the SHPO and area tribes were notified of the APE. The APE was defined as being confined to the proposed facility, including building footprints and areas of ground disturbance associated with construction delineated in Figures 2.2 and 3.1. SHPO concurred with this APE on June 3, 2008. The project was also discussed at the DOE-RL CHRP tribal cultural resources meeting on May 22, 2008. Concerns and input from the meeting are discussed and addressed in Section 5.0.

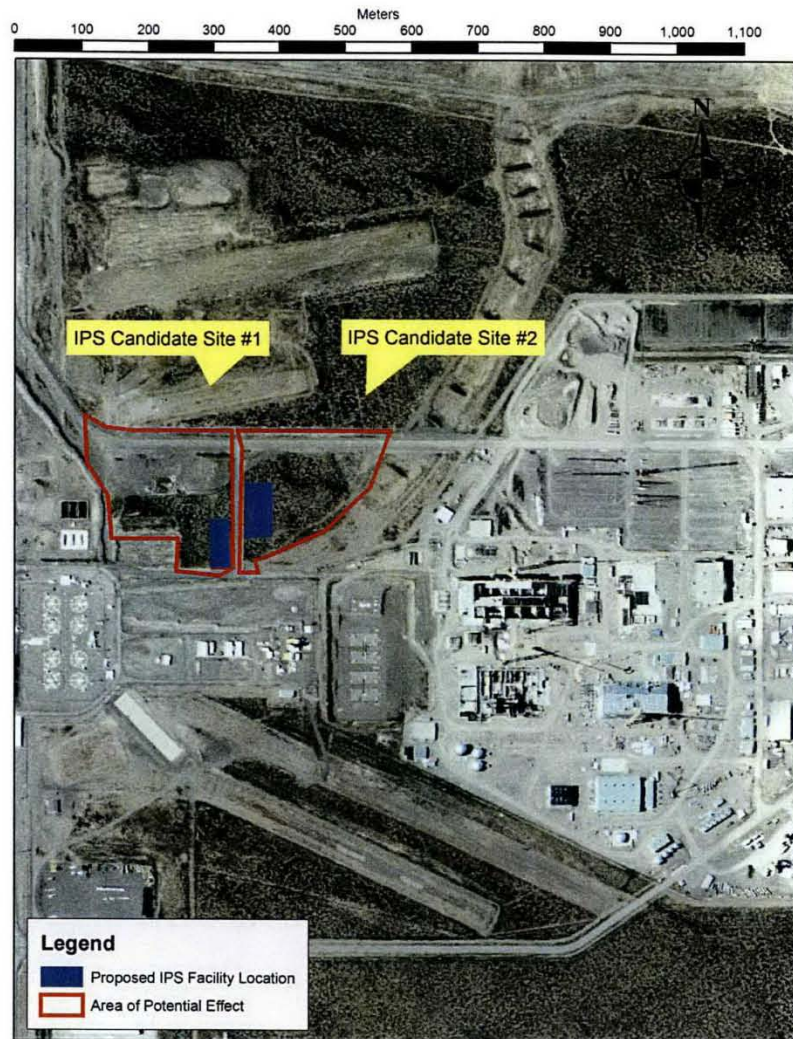


Figure 3.1. APE Overlaid on a 2006 Aerial Photograph

**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)**

4.0 Environmental and Cultural Setting

Much of the information provided in this section is derived from the *Hanford Site National Environmental Policy Act (NEPA) Characterization Report* (Duncan et al. 2007) and the *Hanford Cultural Resources Management Plan* (DOE-RL 2003).

The Hanford Site is located in south-central Washington State, near Richland, Washington, and is managed by DOE-RL. The APE for the proposed IPS Facility is located in an industrial setting on the Central Plateau of the Hanford Site. The area topography is relatively flat with some hummocks, or windblown sand dunes, in places. The soils consist of stabilized dunes. Near-surface layers beneath the APE consist of up to several meters of eolian (windblown), Holocene-age sand overlying interbedded sand and silt deposits of the Pleistocene Hanford formation. The Hanford formation was laid down more than 13,000 years ago during a series of cataclysmic Ice Age floods. The blanket of windblown sand, derived from the reworking of the flood deposits below, is piled up into prominent longitudinal and parabolic-type dunes. Cultural remains could potentially be present in the windblown sand, but deposition of the Hanford formation predates any known cultural activity in the area. Regional vegetation is characterized by Daubenmire (1970) as a steppe-shrub community, dominated by big sagebrush (*Artemisia tridentata*), stiff sagebrush (*Artemisia rigida*), and by annual and perennial grasses, most notably, cheatgrass (*Bromus tectorum*) and bunchgrass (*Poa* sp.). Onsite vegetation consists of a relatively healthy community of big sagebrush and bunchgrass.

Cultural resources at the Hanford Site are diverse, ranging from early precontact times to the atomic age. The Hanford Site contains an extensive record of human occupation, documenting a series of overlapping cultural landscapes stretching back thousands of years. Each layer tells the story of how people have used the area now known as the Hanford Site. Three distinct landscapes are defined:

- Native American Cultural Landscape
- Early Settlers and Farming Landscape
- Manhattan Project and Cold War Era Cultural Landscape.

The Native American cultural landscape includes a rich record of archaeological sites associated with precontact and ethnographic use of the Hanford Site. Native Americans have lived in and around the present-day Hanford Site for thousands of years. More than 8,000 years of precontact human activity has left extensive archaeological deposits along the Columbia River, and to a lesser degree, the off-river interior of the Hanford Site. Sacred and ceremonial areas—such as mountains and rivers where food and medicinal plants are gathered—are dispersed across the Hanford Site landscape. Native American descendants of the area's original inhabitants still use this landscape to access traditional places and resources. These descendants include tribal members of the Wanapum, Yakama Nation, Nez-Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Colville Reservation.

Resources relating to western settlement and agriculture largely characterize the early settlers and farming landscape. Early travelers, predominantly of European descent, began passing through the area in the early 1800s. However, it was not until the late nineteenth and early twentieth centuries that the Hanford Site was intensively settled. During this period, settlers farmed and raised livestock, mined, and built settlements along the Columbia River. Historic archaeological resources mark the locations where gold mining, stock raising, farming, and natural gas-drilling took place from the 1850s to 1943. The early

**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)**

settlers' history at the Hanford Site came abruptly to an end in 1943 when the Federal Government condemned the land for the war effort. Farming residents were given 30 days to vacate the land, on which many had lived for decades.

The Manhattan Project and Cold War era cultural landscape rapidly transformed the Hanford Site from an isolated agricultural region to a military industrial complex dedicated to the production of plutonium, eventually used in the first atomic bombs. Today, the Hanford Site is focused on cleaning up the residual wastes from past plutonium production. Because of the importance of its national defense mission to world history, the Site's Manhattan Project and Cold War era cultural landscape is critical for historical interpretation of this time period on a national scale. The B Reactor, where the plutonium for the atom bomb was made; the 300 Area, where nuclear research and fuel fabrication was conducted; and the 200 Area, where the plutonium was processed, are but a few of the historic remains from the Manhattan Project and Cold War landscape that are located on the Hanford Site. DOE identified a National Register-eligible Hanford Site Manhattan Project and Cold War Era Historic District that serves to organize and delineate the evaluation and mitigation of the Site's plutonium-production built environment.

4.1 Cultural Setting of Area of Potential Effect

Numerous cultural resource surveys, locating mostly isolated finds, and ethnohistoric documentation indicate there was little precontact activity occurring in this area. The closest precontact and ethnohistoric resources consist of isolated lithic flakes, projectile points and a trail that later became known as White Bluffs Road, which runs from White Bluffs to Rattlesnake Springs and beyond, and is located over four miles from the project area. A review of 1880 General Land Office (GLO) maps, 1915 U.S. topographic maps, 1943 Hanford Engineer Works property ownership maps, and 1943 aerial photographs indicate there was no significant historic occupation or use in this area. Activity after 1943 was primarily associated with Manhattan Project-era construction of chemical separations (processing plants) in the 200 East Area, and later with waste storage activities at the tank farms and various waste cribs (DOE-RL 2002). More recently, the area to the east of the project APE has been developed for construction of the WTP Vitrification Facility and associated support buildings.

4.2 Literature Review

A records and literature search was conducted to identify previous cultural resources investigations and cultural resources located within the vicinity of the survey area. This search revealed that the entire APE was surveyed between 1987 and 1996 by three archaeological surveys each covering a small portion of the APE: HCRC# 87-200-002 (Chatters 1987a), HCRC#88-200-015 (Jackson and Chatters 1988), and HCRC#96-200-109 (Cadoret 1996). No archaeological resources were located by these surveys. Several archaeological inventories, also driven by cultural resources review compliance, have occurred within 0.5 mile of the project APE. These include HCRC#87-200-046 (Chatters 1987b), HCRC# 92-200-008 (Gard and Chatters 1992), HCRC# 94-600-060 (Wright 1994), HCRC# 98-200-022 (Hale 1998), and HCRC# 2003-200-044 (Prendergast-Kennedy and Harvey 2003). A few isolated finds have been recorded within 0.5 mile of the project area; HI-88-024, HI-88-025 and HI-88-039 are historic-era cans, and 45BN626 and 45BN659 are both precontact-era projectile points. The closest National Register-eligible site is the Anti-Aircraft-Artillery Site 45BN998—located approximately one mile south of the project APE—associated with the military era and site security (mid-1940s to 1950s) of the Hanford Site.

**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)**

5.0 Research Design and Objectives

At the May 22, 2008, DOE-RL CHRP tribal cultural resources meeting, tribes expressed concern about the potential for previously unrecorded artifacts and/or features to be identified in the project APE. Given the lack of disturbance, the age of the previous surveys, and the potential for wind-blown dune sands to expose new surfaces, it was agreed that undisturbed portions of the project APE would be resurveyed. The goal of the re-inventory of undisturbed areas was to determine if any cultural resources exist that qualify for listing on the National Register of Historic Places, in compliance with the *National Historic Preservation Act of 1966*, Section 106, and its implementing regulations (36 CFR 800). Surface visibility and the low probability for locating subsurface cultural resources influenced the decision to focus the inventory on surface investigations. Given the limited number of significant precontact resources located in the vicinity of the project area, and the lack of any indication of historic land use in the area, newly recorded cultural resources of significance were not expected to be identified.

6.0 Cultural Resources Inventory Field Methods and Results

Of the approximately 13-acre APE, 8 acres were inventoried for cultural resources on June 5, 2008. The remaining acreage is disturbed and was not inventoried. The day of the inventory, the weather was partly cloudy with the temperatures approximately 55°F. The survey was conducted by Doug McFarland, Pacific Northwest National Laboratory (PNNL) Cultural Resources Project. PNNL staff was accompanied by Pam Logan, DOE-ORP, and a Hanford Radiological Control Technician (Teresa Culverwell, Fluor Hanford, Inc.) as a precaution to ensure survey personnel avoided potential contamination. No radiological contamination was detected on any of the crew members or in the survey area.

Pedestrian transects were spaced at approximately 10 to 15 m apart and the surveyor walked along transects in a meandering fashion, to cover the project APE (Figures 6.1 and 6.2). Field staff started the cultural resources inventory at the southwest corner of IPS Candidate Site #2 and surveyed south to north, moving east and then covered the IPS candidate site #1 starting at the northeast corner and surveyed north to south, moving west. Along the western edge of IPS Candidate Site #1, field staff walked two east-west transects to cover the southwestern area. Areas with obvious surface disturbance were not inventoried. The archaeological inventory did not locate any archaeological resources.

**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)**

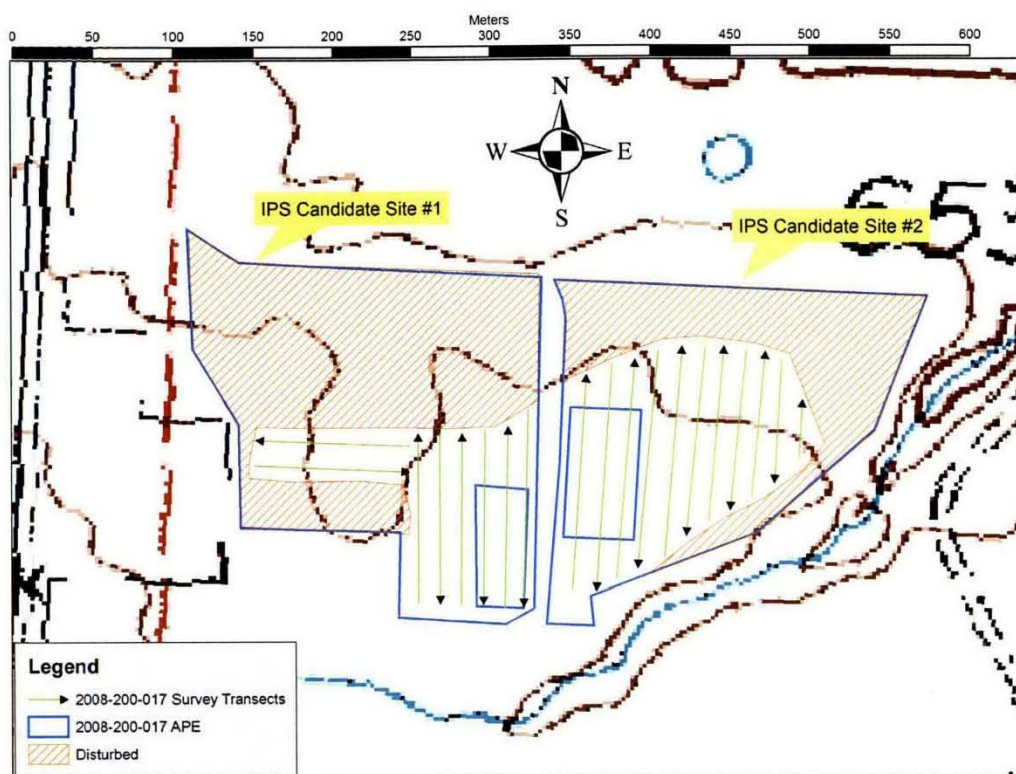


Figure 6.1. Survey Transects in Relation to Project APE Overlaid on USGS Topographic Map.
Arrows depict survey transect orientation

Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)

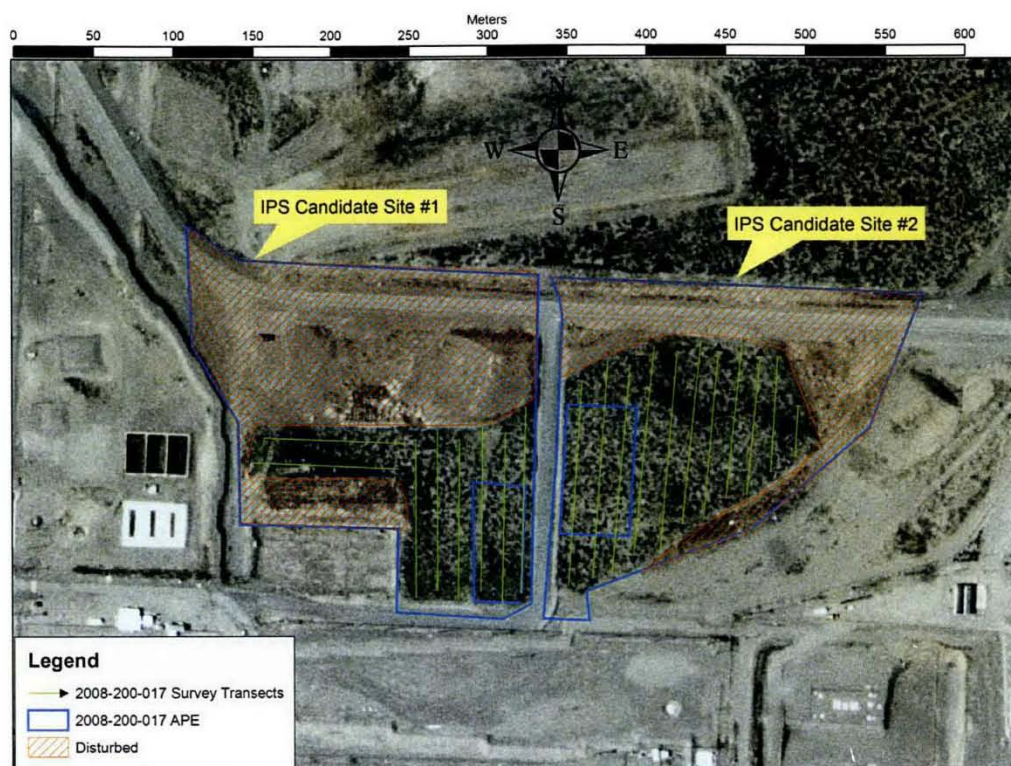


Figure 6.2. Survey Transects in Relation to Project APE Overlaid on 2006 Aerial Photograph Showing Undisturbed and Disturbed Areas. Arrows depict survey transect orientation.

**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory *(continued)***



Figure 6.3. Overview of IPS Candidate Site #1 Taken From the South. Aspect is 300 degrees.
Photograph taken by Doug McFarland on June 5, 2008.



Figure 6.4. Overview of IPS Candidate Site #2 Taken From the South. Aspect is 20 degrees.
Photograph taken by Doug McFarland on June 5, 2008.

**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)**

7.0 Findings

Based on the literature review, archival records search, field surveys, and tribal input, this undertaking should not affect historic properties as none have been identified in the APE. Although the potential for subsurface cultural resources exists given the age of the soils, the potential is low and cultural resources monitoring will not be necessary.

Pursuant to 36 CFR 800, SHPO and area tribes have 30 days from receipt of this document to comment. Following receipt of any comments, the project should be notified of any additional conditions required for the project to proceed. As required by 36 CFR 800, no project activities should begin until this 30-day review period has been completed and comments have been resolved.

8.0 References

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CH2M HILL. 2007. *Evaluation of Starting the Waste Treatment and Immobilization Plant (WTP) Low Activity Waste (LAW) Facility First*. RPP-29981, Rev. 1. CH2M HILL Hanford Group, Inc., Richland, Washington.

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**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)**

Gard HA and JC Chatters. 1992. *Cultural Resources Review of the B Pond Interim Stabilization* HCRC# 92-200-008. Pacific Northwest National Laboratory, Richland, Washington.

Hale LL. 1998. *Cultural Resources Review of the TWRS Mitigation Planning Support- Phase One Project*. HCRC# 98-200-022. Pacific Northwest National Laboratory, Richland, Washington.

Jackson MK and JC Chatters. 1988. *Cultural Resources Project: Report on Cultural Resources Site Review #88-200-015, Proposed 216-A-8 Crib Topsoil Borrow Pit*. Pacific Northwest National Laboratory, Richland, Washington.

Prendergast-Kennedy E. and DW Harvey. 2003. *Cultural Resources Review of Retrieval Treatment and Disposal of Tank Waste and Closure of Single Shell Tanks (Tank Closure) Environmental Impact Statement (EIS) (HCRC#2003-200-044)*. Pacific Northwest National Laboratory, Richland, Washington.

Wright MK. 1994. *Cultural Resources Review of the Tank Waste Remediation Systems Complex (TWRS): Site B Project*. HCRC# 94-600-060. Pacific Northwest National Laboratory, Richland, Washington.

**Enclosure to Washington State Department of Archaeology and Historic Preservation,
June 30, 2008 – Cultural Resources Review and Inventory (*continued*)**



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C.2.3 Responses to U.S. Department of Energy Correspondence

The following are copies of the responses DOE has received in regard to the correspondence provided in Sections C.2.1 and C.2.2 of this *Final TC & WM EIS*. Below is a list of these responses.

To: Ms. Mary Beth Burandt, U.S. Department of Energy
From: Ms. Sandy Swope Moody, Washington State Department of Natural Resources
Date: July 1, 2003
Subject: “EIS for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks at the Hanford Site, Richland, WA”

To: Ms. Annabelle Rodriguez, U.S. Department of Energy
From: Dr. Robert G. Whitlam, Washington State Department of Archaeology and Historic Preservation
Date: August 12, 2003
Subject: Re: Retrieval, Treatment, and Disposal of Tank Waste

To: Mr. Keith A. Klein, U.S. Department of Energy
From: Dr. Robert G. Whitlam, Washington State Department of Archaeology and Historic Preservation
Date: July 5, 2006
Subject: Re: ALE Quarry Reserve Borrow Site

To: Honorable Samuel W. Bodman, U.S. Department of Energy
From: Mr. John M. Fowler, Advisory Council on Historic Preservation
Date: October 1, 2007
Subject: Ref: Hanford Site, Richland, Washington, Consultation on *Tank Closure and Waste Management Environmental Impact Statement* and Borrow Area C

To: Ms. Annabelle Rodriguez, U.S. Department of Energy
From: Dr. Robert G. Whitlam, Washington State Department of Archaeology and Historic Preservation
Date: June 3, 2008
Subject: Re: Interim Pretreatment System Project

To: Mr. William Taylor, U.S. Department of Energy
From: Ms. Sandy Swope Moody, Washington State Department of Natural Resources
Date: June 27, 2008
Subject: “Tank Closure and Waste Management EIS for the Hanford Site, Richland”

WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES – July 1, 2003



WASHINGTON STATE DEPARTMENT OF
Natural Resources

DOUG SUTHERLAND
Commissioner of Public Lands

July 1, 2003

Mary Burandt
USDOE – Office of River Protection
PO Box 450
Richland WA 99352

**SUBJECT: EIS for Retrieval, Treatment, and Disposal of Tank Waste and Closure of
Single-Shell Tanks at the Hanford Site, Richland WA**

We've searched the Natural Heritage Information System for information on rare plants and high quality native wetland and terrestrial ecosystems in the vicinity of your project. A summary of this information, as well as a list of rare plants known from Benton County, is enclosed. In your planning, please consider protection of these significant natural features. Please contact us for consultation on projects that may have an effect on these rare species or high-quality ecosystems.

The information provided by the Washington Natural Heritage Program is based solely on existing information in the database. There may be significant natural features in your study area of which we are not aware. These data are being provided to you for informational and planning purposes only - the Natural Heritage Program has no regulatory authority. This information is for your use only for environmental assessment and is not to be redistributed. Others interested in this information should be directed to contact the Natural Heritage Program.

The Washington Natural Heritage Program is responsible for information on the state's rare plants as well as high quality ecosystems. For information on animal species of concern, please contact Priority Habitats and Species, Washington Department of Fish and Wildlife, 600 Capitol Way N, Olympia WA 98501-1091, or by phone (360) 902-2543.

Please visit our internet website at <http://www.dnr.wa.gov/nhp> for more information. Lists of rare plants and their status, as well as rare plant fact sheets, are available for download from the site. Please feel free to call me at (360) 902-1667 if you have any questions, or by e-mail at sandra.moody@wadnr.gov.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Swope Moody".

Sandy Swope Moody, Environmental Review Coordinator
Washington Natural Heritage Program

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FAX 360-902-1789

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Enclosure 1 from Washington State Department of Natural Resources, July 1, 2003

WASHINGTON NATURAL HERITAGE INFORMATION SYSTEM
ENDANGERED, THREATENED AND SENSITIVE PLANTS &
HIGH QUALITY WETLAND ECOSYSTEMS AND HIGH QUALITY TERRESTRIAL ECOSYSTEMS
IN THE VICINITY OF PROJECT FOR RETRIEVAL, TREATMENT, AND DISPOSAL OF TANK
WASTE AND CLOSURE OF SINGLE-SHELL TANKS AT THE HANFORD SITE
REQUESTED BY USDOE - OFFICE OF RIVER PROTECTION

Data Current as of June 2003
Page 1 of 1

<u>TOWNSHIP, RANGE AND SECTION</u>	<u>ELEMENT NAME</u>	<u>STATE STATUS</u>	<u>FEDERAL STATUS</u>
T12N R26E S01	<i>Erigeron piperianus</i> (Piper's daisy)	S	
T12N R26E S04	<i>Erigeron piperianus</i> (Piper's daisy)	S	
T12N R26E S07 NWofSE S08 NW	<i>Camissonia minor</i> (small-flowered evening-primrose)	S	
T12N R27E S06 E2ofSW	<i>Erigeron piperianus</i> (Piper's daisy)	S	

**Enclosure 1 from Washington State Department of Natural Resources, July 1, 2003
(continued)**

**WASHINGTON NATURAL HERITAGE INFORMATION SYSTEM
Rare Plant Species**

FEDERAL STATUS DEFINITIONS- (Note: Federally listed plant species are subject to the US Endangered Species Act.

LE = Listed Endangered: Any taxon that is in danger of extinction throughout all or a significant portion of its range and that has been formally listed as such in the Federal Register under the Federal Endangered Species Act.

LT = Listed Threatened: Any taxon that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and that has been formally listed as such in the Federal Register under the Federal Endangered Species Act.

PE = Proposed Endangered: Any taxon that is in danger of extinction throughout all or a significant portion of its range and that has been proposed for listing as such in the Federal Register under the Federal Endangered Species Act.

PT = Proposed Threatened: Any taxon that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and that has been proposed for listing as such in the Federal Register under the Federal Endangered Species Act.

C = Candidate species: Taxa for which current information indicates the probable appropriateness of listing as Endangered or Threatened and that has been published in the Federal Register as a candidate for listing under the Federal Endangered Species Act.

SC = Species of Concern: Species whose conservation standing is of concern but for which status information is needed. Species of concern lists are not published in the Federal Register.

STATE STATUS DEFINITIONS- (Note: The state ESA does not include provisions to list or protect rare plant species - the state rare plant list is advisory only.)

E = Endangered: Any taxon in danger of becoming extinct or extirpated from Washington within the foreseeable future if factors contributing to its decline continue. Populations of these taxa are at critically low levels or their habitats have been degraded or depleted to a significant degree.

T = Threatened: Any taxon likely to become Endangered in Washington within the foreseeable future if factors contributing to its population decline or habitat degradation or loss continue.

S = Sensitive: Any taxon that is vulnerable or declining and could become Endangered or Threatened in the state without active management or removal of threats.

X = Possibly Extinct or Extirpated from Washington: Based on recent field searches, a number of plant taxa are considered to be possibly extinct or extirpated from Washington. Taxa in this group are all high priorities for field investigations. If found, they will be assigned one of the above status categories.

R = Review: Taxa of potential concern, but for which no status has yet been assigned.
Group 1 = Taxa in need of additional field work before a status can be assigned.
Group 2 = Taxa with unresolved taxonomic questions.

W = Watch: Taxa more abundant and/or less threatened in Washington than previously assumed.

Non-Vascular Plant:

P = Priority: At this time, there is insufficient information to assign a statewide status to the non-vascular taxa. For now, the lichen and macrofungi lists have been divided into two priority groups based on criteria of occurrence pattern, vulnerability, threats, degree of protection, and taxonomy.

Enclosure 2 from Washington State Department of Natural Resources, July 1, 2003

Washington Natural Heritage Information System
Endangered, Threatened, and Sensitive Vascular Plants of Washington
February 2003

Benton County
Page 1 of 1

Scientific Name	Common Name	State Status	Federal Status*	Historic Record**
<i>Ammannia robusta</i>	Grand redstem	Threatened		
<i>Arenaria franklinii</i> var <i>thompsonii</i>	Thompson's sandwort	Review		
<i>Astragalus columbianus</i>	Columbia milk-vetch	Sensitive	SC	
<i>Astragalus misellus</i> var <i>pauper</i>	Pauper milk-vetch	Sensitive		H
<i>Calyptridium roseum</i>	Rosy pussypaws	Threatened		
<i>Camissonia minor</i>	Small-flower evening-primrose	Sensitive		
<i>Camissonia pygmaea</i>	Dwarf evening-primrose	Sensitive		
<i>Cryptantha leucophaea</i>	Gray cryptantha	Sensitive	SC	
<i>Cryptantha scoparia</i>	Miner's candle	Sensitive		
<i>Cryptantha spiculifera</i>	Snake river cryptantha	Sensitive		
<i>Cyperus bipartitus</i>	Shining flatsedge	Sensitive		
<i>Erigeron piperianus</i>	Piper's daisy	Sensitive		
<i>Eriogonum codium</i>	Umtanum desert buckwheat	Endangered	C	
<i>Gilia leptomeria</i>	Great basin gilia	Sensitive		
<i>Haplopappus liatrifolius</i>	Palouse goldenweed	Threatened	SC	
<i>Hypericum majus</i>	Canadian st. john's-wort	Sensitive		
<i>Lipocarpa aristulata</i>	Awned halfchaff sedge	Threatened		
<i>Loeflingia squarrosa</i> var <i>squarrosa</i>	Loeflingia	Threatened		
<i>Lomatium tuberosum</i>	Hoover's desert-parsley	Sensitive	SC	
<i>Mimulus suksdorfii</i>	Suksdorf's monkey-flower	Sensitive		
<i>Oenothera caespitosa</i> ssp <i>caespitosa</i>	Cespitose evening-primrose	Sensitive		
<i>Rorippa columbiae</i>	Persistentsepal yellowcress	Endangered	SC	
<i>Rotala ramosior</i>	Lowland toothcup	Threatened		

* LE = Listed Endangered, LT = Listed Threatened, PE = Proposed Endangered, PT = Proposed Threatened,
C = Candidate for listing, SC = Species of Concern (an unofficial status)
** H = Known only from historic record

**WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC
PRESERVATION – August 12, 2003**



STATE OF WASHINGTON
OFFICE OF COMMUNITY DEVELOPMENT
Office of Archaeology and Historic Preservation
1063 S. Capitol Way, Suite 106 • PO Box 48343 • Olympia, Washington 98504-8343 • (360) 586-3064
Fax Number (360) 586-3067 • <http://www.oahp.wa.gov>

August 12, 2003

Ms. Annabelle Rodriguez
Cultural and Historic Resources Program
Richland Operations Office
PO Box 550
Richland, WA 99352

Log No.: 081203-09-DOE
Re: Retrieval, Treatment and Disposal of Tank Waste
HCRC # 2003-200-044

Dear Ms. Rodriguez;

We have reviewed the materials forwarded to our office for the above referenced project concerning the proposed Retrieval, Treatment and Disposal of Tank Waste and Closure of Single Shell Tanks EIS in the 200 Area at the Hanford Site. We concur with your determination of the Area of Potential Effect as described in the attachments. We look forward to receiving the results of your survey, review and tribal consultation efforts.

These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer in compliance with the Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations 36CFR800.4. Should additional information become available, our assessment may be revised, including information regarding historic properties that have not yet been identified. We would also appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4).

These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer. Should additional information become available, our assessment may be revised. Thank you for the opportunity to comment and we look forward to receiving the reports on the results of your investigations.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Whitlam", written over a horizontal line.

Robert G. Whitlam, Ph.D.
State Archaeologist
(360) 586-3080
email: robw@cted.wa.gov

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**WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC
PRESERVATION – July 5, 2006**



STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501
Mailing address: PO Box 48343 • Olympia, Washington 98504-8343
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July 5, 2006

Mr. Keith A. Klein
Richland Operations Office
Department of Energy
PO Box 550
Richland, WA 99352

Re: ALE Quarry Reserve Borrow Site
Log No.: 070306-02-DOE
Code: HCRC # 2006-600-008

Dear Mr. Klein;

Thank you for contacting our department. We have reviewed the cultural resources survey by PNNL for the proposed ALE Quarry Reserve Borrow Site at the Hanford Site, Benton County, Washington.

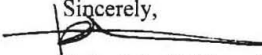
We do not concur with your finding based upon the professional survey report there will no effect. Page 4 notes that Rattlesnake Mountain may be effected and your cover letter also notes conditions necessary to avoid adverse effects. Please develop the documentation for the Determination of Eligibility and finding of Effect so we may consult to resolve the effect and incorporate the conditions into a Memorandum of Agreement.

We would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4).

These comments are based on the information available at the time of this review and on the behalf of the State Historic Preservation Officer in conformance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations 36CFR800. Should additional information become available, our assessment may be revised.

Thank you for the opportunity to comment and a copy of these comments should be included in subsequent environmental documents.

Sincerely,


Robert G. Whitlam, Ph.D.
State Archaeologist
(360) 586-3080
email: rob.whitlam@dahp.wa.gov



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ADVISORY COUNCIL ON HISTORIC PRESERVATION – October 1, 2007

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Chairman

Susan S. Barnes
Vice Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

October 1, 2007

Honorable Samuel W. Bodman
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue SW
Washington DC 20585

RE: Hanford Site, Richland, Washington, consultation on Tank Closure and Waste
Management Environmental Impact Statement and Borrow Area C

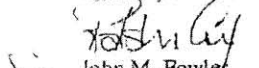
Dear Secretary Bodman:

In response to a notification by the Department of Energy, the Advisory Council on Historic Preservation (ACHP) will participate in consultation to develop memoranda of agreement for the consideration of historic properties in the Tank Closure and Waste Management Environmental Impact Statement, and for the Borrow Area C project. Our decision to participate in these consultations is based on the Criteria for Council Involvement in Reviewing Individual Section 106 Cases, contained within our regulations. The criteria are met for these undertakings because they present issues of concern to Indian tribes.

Section 800.6(a)(1)(iii) of our regulations requires that we notify you, as the head of the agency, of our decision to participate in consultation. By copy of this letter, we are also notifying Mr. Rob G. Hastings, Acting Assistant Manager for Safety and Engineering at DOE's Richland Operations Office.

Our participation in this consultation will be handled by Dr. Tom McCulloch, who can be reached at 202-606-8554 or at tmcculloch@achp.gov. We look forward to working with Richland Operations Office and other consulting parties to consider ways to avoid, minimize, or mitigate potential adverse effects on historic properties resulting from these undertakings.

Sincerely,


John M. Fowler
Executive Director

ADVISORY COUNCIL ON HISTORIC PRESERVATION
1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

**WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC
PRESERVATION – June 3, 2008**



STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501
Mailing address: PO Box 48343 • Olympia, Washington 98504-8343
(360) 586-3065 • Fax Number (360) 586-3067 • Website: www.dahp.wa.gov

June 3, 2008

Ms. Annabelle Rodriguez
Cultural and Historic Resources Program
Richland Operations Office
PO Box 550
Richland, WA 99352

RE: Interim Pretreatment System Project
HCRS # 2008-200-017
Log No.: 06030-15-DOE

Dear Ms. Rodriguez;

Thank you for contacting our department. We have reviewed the materials for the proposed Interim Pretreatment System Facility to Support Treatment of Hanford Tank Waste Project at the Hanford Site, Benton County, Washington.

We concur with your determination of the Area of Potential Effect (APE). We look forward to the results of your consultation with the concerned tribes, cultural resources survey, and Determination of Effect.

We would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4).

These comments are based on the information available at the time of this review and on the behalf of the State Historic Preservation Officer in conformance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations 36CFR800.

Should additional information become available, our assessment may be revised. In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop, the area secured, and this department notified. Thank you for the opportunity to comment and a copy of these comments should be included in subsequent environmental documents.

Sincerely,

Robert G. Whitlam, Ph.D.
State Archaeologist
(360) 586-3080
email: rob.whitlam@dahp.wa.gov



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WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES – June 27, 2008



WASHINGTON STATE DEPARTMENT OF
Natural Resources

DOUG SUTHERLAND
Commissioner of Public Lands

June 27, 2008

William Taylor
US Department of Energy
Office of River Protection
PO Box 450 MSIN H6-60
Richland WA 99352

SUBJECT: Tank Closure and Waste Management EIS for the Hanford Site, Richland

We've searched the Natural Heritage Information System for information on rare plants and high quality native wetland and terrestrial ecosystems in the vicinity of your project. A summary of this information is enclosed, as well as a list of rare plants known from Benton County. In your planning, please consider protection of these significant natural features. Please contact us for consultation on projects that may have an effect on these rare species or high quality ecosystems.

The information provided by the Washington Natural Heritage Program is based solely on existing information in the database. There may be significant natural features in your study area of which we are not aware. These data are being provided to you for informational and planning purposes only - the Natural Heritage Program has no regulatory authority. This information is for your use only for environmental assessment and is not to be redistributed. Others interested in this information should be directed to contact the Natural Heritage Program.

The Washington Natural Heritage Program is responsible for information on the state's rare plants as well as high quality ecosystems. For information on animal species of concern, please contact Priority Habitats and Species, Washington Department of Fish and Wildlife, 600 Capitol Way N, Olympia WA 98501-1091, or by phone (360) 902-2543.

For more information on the Natural Heritage Program, please visit our website at http://www.dnr.wa.gov/ResearchScience/Topics/NaturalHeritage/Pages/amp_nh.aspx. Lists of rare plants and their status, rare plant fact sheets, as well as rare plant survey guidelines are available for download from the site. Please call me at (360) 902-1697 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Swope Moody".

Sandy Swope Moody, Environmental Review Coordinator
Washington Natural Heritage Program

Enclosures

Asset Management & Protection Division, PO Box 47014, Olympia WA 98504-7014

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Enclosure 1 from Washington State Department of Natural Resources, June 27, 2008

WASHINGTON NATURAL HERITAGE INFORMATION SYSTEM
ENDANGERED, THREATENED AND SENSITIVE PLANT SPECIES &
HIGH QUALITY WETLAND ECOSYSTEMS AND HIGH QUALITY TERRESTRIAL ECOSYSTEMS
IN THE VICINITY OF TANK CLOSURE AND WASTE MANAGEMENT EIS FOR THE HANFORD SITE
REQUESTED BY US DOE OFFICE OF RIVER PROTECTION

Data Current as of June 2008
Page 1 of 1

<u>TOWNSHIP, RANGE AND SECTION</u>	<u>ELEMENT NAME</u>	<u>STATE STATUS</u>	<u>FEDERAL STATUS</u>
T12N R26E S01	<i>Erigeron piperianus</i> (Piper's daisy)	S	
T12N R26E S04	<i>Erigeron piperianus</i> (Piper's daisy)	S	
T12N R26E S07 NWofSE S08 NW	<i>Camissonia minor</i> (Small-flowered evening-primrose)	S	
T12N R27E S06 E2ofSW	<i>Erigeron piperianus</i> (Piper's daisy)	S	

**Enclosure 1 from Washington State Department of Natural Resources, June 27, 2008
(continued)**

**WASHINGTON NATURAL HERITAGE INFORMATION SYSTEM
Rare Plant Species**

FEDERAL STATUS DEFINITIONS- (Note: Federally listed plant species are subject to the US Endangered Species Act.)

LE = Listed Endangered: Any taxon that is in danger of extinction throughout all or a significant portion of its range and that has been formally listed as such in the Federal Register under the Federal Endangered Species Act.

LT = Listed Threatened: Any taxon that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and that has been formally listed as such in the Federal Register under the Federal Endangered Species Act.

PE = Proposed Endangered: Any taxon that is in danger of extinction throughout all or a significant portion of its range and that has been proposed for listing as such in the Federal Register under the Federal Endangered Species Act.

PT = Proposed Threatened: Any taxon that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and that has been proposed for listing as such in the Federal Register under the Federal Endangered Species Act.

C = Candidate species: Taxa for which current information indicates the probable appropriateness of listing as Endangered or Threatened and that has been published in the Federal Register as a candidate for listing under the Federal Endangered Species Act.

SC = Species of Concern: Species whose conservation standing is of concern but for which status information is still needed. Species of concern lists are not published in the Federal Register.

STATE STATUS DEFINITIONS- (Note: The state ESA does not include provisions to list or protect rare plant species – the state rare plant list is advisory only.)

E = Endangered: Any taxon in danger of becoming extinct or extirpated from Washington within the foreseeable future if factors contributing to its decline continue. Populations of these taxa are at critically low levels or their habitats have been degraded or depleted to a significant degree.

T = Threatened: Any taxon likely to become Endangered in Washington within the foreseeable future if factors contributing to its population decline or habitat degradation or loss continue.

S = Sensitive: Any taxon that is vulnerable or declining and could become Endangered or Threatened in the state without active management or removal of threats.

X = Possibly Extinct or Extirpated from Washington: Based on recent field searches, a number of plant taxa are considered to be possibly extinct or extirpated from Washington. Taxa in this group are all high priorities for field investigations. If found, they will be assigned one of the above status categories.

R = Review: Taxa of potential concern, but for which no status has yet been assigned.
Group 1 = Taxa in need of additional field work before a status can be assigned.
Group 2 = Taxa with unresolved taxonomic questions.

W = Watch: Taxa more abundant and/or less threatened in Washington than previously assumed.

Non-Vascular Plant:

P = Priority: At this time, there is insufficient information to assign a statewide status to most of the non-vascular taxa. For now, the lichen and macrofungi lists have been divided into two priority groups based on criteria of occurrence pattern, vulnerability, threats, degree of protection, and taxonomy.

**Enclosure 1 from Washington State Department of Natural Resources, June 27, 2008
(continued)**

**Washington Natural Heritage Information System
List of Known Occurrences of Rare Plants in Washington
March 2008
Benton County**

<u>Scientific Name</u>	<u>Common Name</u>	<u>State Status</u>	<u>Federal Status</u>	<u>Historic</u>
Ammannia robusta	Grand Redstem	T		
Astragalus columbianus	Columbia Milk-vetch	S	SC	
Astragalus misellus var. pauper	Pauper Milk-vetch	S		H
Calyptidium roseum	Rosy Pussypaws	T		
Camissonia minor	Small-flower Evening-primrose	S		
Camissonia pygmaea	Dwarf Evening-primrose	S		
Centunculus minimus	Chaffweed	R1		
Cryptantha leucophaea	Gray Cryptantha	S	SC	
Cryptantha scoparia	Miner's Candle	S		
Cryptantha spiculifera	Snake River Cryptantha	S		
Cuscuta denticulata	Desert Dodder	T		H
Erigeron piperianus	Piper's Daisy	S		
Eriogonum codium	Umtanum Desert Buckwheat	E	C	
Gilia leptomeria	Great Basin Gilia	T		
Hierochloa odorata	Common Northern Sweet Grass	R1		H
Hypericum majus	Canadian St. John's-wort	S		
Lipocarpha aristulata	Awned Halfchaff Sedge	T		
Loeflingia squarrosa var. squarrosa	Loeflingia	T		
Lomatium tuberosum	Hoover's Desert-parsley	S	SC	
Mimulus suksdorfii	Suksdorf's Monkey-flower	S		
Nicotiana attenuata	Coyote Tobacco	S		
Oenothera caespitosa ssp. caespitosa	Cespitose Evening-primrose	S		

C.3 CONSULTATION PROCESS AND COMMUNICATION WITH AMERICAN INDIAN TRIBAL GOVERNMENTS

As previously discussed in Chapter 8 of this *TC & WM EIS*, DOE initiated consultations with the appropriate American Indian tribal governments for the “Tank Closure EIS” and the “Environmental Impact Statement for the Decommissioning of the Fast Flux Test Facility at the Hanford Site, Richland, Washington” (“FFTF Decommissioning EIS”), which continued with the newly scoped *TC & WM EIS*. Section C.3.1 includes copies of the correspondence from DOE to the American Indian tribal governments, and Section C.3.2 includes copies of the correspondence from the American Indian tribal governments. Copies of attachments and enclosures that were provided in the *Draft TC & WM EIS* are provided only once in this *Final TC & WM EIS*. In addition to the formal consultation process, DOE initiated many staff-to-staff discussions, which covered a wide range of topics, during the development of this EIS. As part of these discussions, DOE held workshops on the development of the groundwater model.

This *TC & WM EIS* implements DOE’s January 6, 2006, Settlement Agreement with the State of Washington (as amended on June 5, 2008), signed by DOE, Ecology, the Washington State Attorney General’s Office, and the U.S. Department of Justice. The agreement settles NEPA claims made in the case *State of Washington v. Bodman* (Civil No. 2:03-cv-05018-AAM), which addressed the January 2004 *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, Richland, Washington (HSW EIS, DOE/EIS-0286)*. The agreement is intended to resolve Ecology’s concerns about *HSW EIS* groundwater analyses and to address other concerns about the *HSW EIS* that were identified in the *Report of the Review of the “Hanford Solid Waste Environmental Impact Statement (EIS)” Data Quality, Control and Management Issues (Quality Review)*.

The agreement called for expanding the “Tank Closure EIS” to provide a single, integrated set of analyses that includes all waste types analyzed in the *HSW EIS* (low-level radioactive waste, mixed low-level radioactive waste, and transuranic waste), which is now this *TC & WM EIS*. Under the agreement, pending issuance of a Record of Decision for this *Final TC & WM EIS*, the *HSW EIS* remains in effect to support ongoing waste management activities at the Hanford Site (Hanford) (including transportation of transuranic waste to the Waste Isolation Pilot Plant) in accordance with applicable regulatory requirements. The agreement also stipulates that, when this *TC & WM EIS* has been completed, it will supersede the *HSW EIS*. Until that time, DOE will not rely on *HSW EIS* groundwater analyses for decisionmaking and will not import offsite waste to Hanford, apart from certain limited exemptions specified in the agreement, pending finalization of this *TC & WM EIS*.

One of the changes made as a result of the Settlement Agreement was that DOE decided to use a commercially available groundwater modeling code (MODFLOW [modular three-dimensional finite-difference groundwater flow model]). In addition, the TRG, made up of modeling experts from academia and industry, was established to support Science Applications International Corporation’s (SAIC’s) groundwater model development for this *TC & WM EIS* and to review SAIC’s model conversion. The TRG members were chosen specifically to maintain a fresh perspective; they did not possess significant knowledge or experience regarding Hanford. The TRG met September 4 through 6, 2006, in Richland, Washington, for an introduction to the *TC & WM EIS* groundwater modeling project and an overview of Hanford.

On January 17, 2007, DOE representatives from Headquarters and the Office of River Protection met with American Indian tribal leaders from the Confederated Tribes and Bands of the Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe to discuss the terms of the Settlement Agreement and how it was being implemented by the *TC & WM EIS* team (including SAIC’s use of the TRG to support the groundwater model development) and to share a draft of the *TC & WM EIS* Public Information Outreach Plan. This plan outlined a series of meetings that would be held with local area tribes, stakeholders, and the public, who would be invited to listen to presentations made by the TRG,

ask questions, and participate in EIS-related workshops. Some of the workshop topics were selected by DOE, and some workshop topics were selected by the tribes and stakeholders.

At the January 17 meeting, DOE Headquarters representatives requested that the tribes review the *TC & WM EIS* Public Information Outreach Plan and provide any feedback on the information presented. It was also stated that the plan would be posted on the *TC & WM EIS* website. Table C–1 shows the series of meetings and workshops that were conducted with area tribes, stakeholders, and members of the public during the development of this EIS. Only meetings and workshops that occurred prior to the publication of the *Draft TC & WM EIS* were posted on the *TC & WM EIS* website. In addition, an email announcement was sent out 1 week prior to each meeting date to remind people of the upcoming event, with specific information on location and time. Meetings and workshops held after December 11, 2007, occurred as a result of the *Draft TC & WM EIS*.

Besides these TRG meetings and workshops, DOE also discussed this EIS at quarterly meetings with area tribes, at quarterly cultural resource meetings, and at staff-to-staff technical exchanges. These additional interactions are detailed in the tables in the following section.

Table C–1. Public Information Outreach Plan

Approximate Meeting Date	Activity	Topic	Participant
December 6–8, 2006	Technical Review Group meeting	Preliminary groundwater model	American Indian tribes, stakeholders, Hanford Advisory Board
February 1–2, 2007	Hanford Advisory Board meeting in Richland	As requested	Hanford Advisory Board, public
February 5, 2007 February 8, 2007	Technical Review Group meeting	Model calibration	American Indian tribes, stakeholders, Hanford Advisory Board
Week of February 12, 2007	Outreach	Quarterly outreach with American Indian tribes	American Indian tribes
February 15, 2007	Workshop	Alternatives and cumulative analysis	American Indian tribes, stakeholders, Hanford Advisory Board
March 26, 2007 March 29, 2007	Technical Review Group meeting	Meeting moved to April 23 and April 26, 2007	American Indian tribes, stakeholders, Hanford Advisory Board
April 5–6, 2007	Hanford Advisory Board meeting in Portland	As requested	Hanford Advisory Board, public
April 16, 2007	Workshop	Vadose zone and groundwater, including stakeholder concerns	American Indian tribes, stakeholders, Hanford Advisory Board
April 23, 2007 April 26, 2007	Technical Review Group meeting	Field data comparison	American Indian tribes, stakeholders, Hanford Advisory Board
Week of May 14, 2007	Outreach	Quarterly outreach with American Indian tribes	American Indian tribes
June 6, 2007	Workshop	Methodology	American Indian tribes, stakeholders, Hanford Advisory Board

Table C–1. Public Information Outreach Plan (*continued*)

Approximate Meeting Date	Activity	Topic	Participant
June 7–8, 2007	Hanford Advisory Board meeting in Richland	As requested	Hanford Advisory Board, public
July 11–14, 2007	Technical Review Group meeting	Model sensitivity	American Indian tribes, stakeholders, Hanford Advisory Board
July 31, 2007	Milestone	MODFLOW flow field	American Indian tribes, stakeholders, Hanford Advisory Board
Week of August 13, 2007	Outreach	Quarterly outreach with American Indian tribes	American Indian tribes
September 6–7, 2007	Hanford Advisory Board meeting in Seattle	As requested	Hanford Advisory Board, public
September 17, 2007	Workshop	Stakeholder suggestions welcome	American Indian tribes, stakeholders, Hanford Advisory Board
September 18, 2007	Outreach	Draft Memorandum of Understanding related to the area of potential effect	American Indian tribes
October 24–26, 2007	Technical Review Group meeting	Review hydraulic property ranges and calibration procedure	American Indian tribes, stakeholders, Hanford Advisory Board
November 1–2, 2007	Hanford Advisory Board meeting in Richland	As requested	Hanford Advisory Board, public
Week of November 12, 2007	Outreach	Quarterly outreach with American Indian tribes	American Indian tribes
December 11, 2007	Technical Review Group closeout	Closeout meeting	American Indian tribes, stakeholders, Hanford Advisory Board, public
November 17–19, 2009	Hanford Natural Resource Trustee Council meeting	<i>TC & WM EIS</i> briefing	American Indian tribes
December 15, 2009	Workshop	Stakeholder suggestions welcome	American Indian tribes, stakeholders, Hanford Advisory Board, public
February 16–17, 2010	Workshop	Committee of the Whole Meeting, <i>TC & WM EIS</i> briefing	American Indian tribes, stakeholders, Hanford Advisory Board
June 23–24, 2010	Hanford Advisory Board meeting	Proposed Tri-Party Agreement changes	American Indian tribes, stakeholders, Hanford Advisory Board, public

Key: MODFLOW=modular three-dimensional finite-difference groundwater flow model; *TC & WM EIS*=*Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington*.

A complete chronology of the consultation process and communications with the American Indian tribal governments for the “Tank Closure EIS” is provided in Table C–2; the same information for this *TC & WM EIS* is provided in Table C–3.

Table C–2. Chronology of Consultation Process for the “Tank Closure EIS” and Communications with American Indian Tribal Governments

American Indian Tribe	Date	Subject Matter/Purpose of Interaction
Confederated Tribes and Bands of the Yakama Nation	November 15, 2002	Phone call held with Mr. Russell Jim requesting a meeting to discuss the NOI; fact sheet forwarded.
	December 9, 2002	Letter sent to the Yakama Nation from ORP requesting a meeting to discuss the draft NOI prior to publication.
	December 16, 2002	Conversation held with Mr. Brian Barry to discuss the <i>HSW EIS</i> and “Tank Closure EIS.”
	March 11, 2003	ORP received comments from the Yakama Nation on the NOI.
	July 15, 2003	Briefing provided to the Cultural Resources Committee on changes to alternatives as a result of scoping; the “Tank Closure EIS” postscoping report was provided.
	August 12, 2003	Letter sent to the Yakama Nation to document the area of potential effect and to seek consultation.
	September 3, 2003	Letter sent to the Yakama Nation transmitting cultural resources review and requesting consultation in NHPA Section 106 review.
	August 10, 2004	Presentation provided at Risk-Based End State Meeting to discuss opportunities for public comment on the “Draft Tank Closure EIS.”
	August 19, 2004	Conversation held with Mr. Brian Barry to discuss status of the “Draft Tank Closure EIS.”
	November 2004 through January 2005	ORP received the American Indian scenario from the Confederated Tribes of the Umatilla Indian Reservation and a request to use this scenario in the “Tank Closure EIS.” A series of meetings and phone calls occurred between the Yakama Nation and the “Tank Closure EIS” team; on January 10, 2005, an agreement was reached to use the American Indian scenario proposed by the Confederated Tribes of the Umatilla Indian Reservation because a Yakama Nation scenario was not available.
	November 4, 2004	Letter sent to Mr. Russell Jim from Mr. Roy Schepens regarding ongoing testing of bulk vitrification.
	January 10, 2005	Phone call held to discuss American Indian scenario.
	March 24, 2005	Phone message left to discuss Hanford Advisory Board issues and cumulative impacts analysis. No response received.
	June 21, 2005	Mission Acceleration Meeting held at the Washington State Department of Ecology to discuss steam reforming and bulk vitrification.
	August 3, 2005	Letter received from Mr. Russell Jim regarding modeling and Hanford risk assessment.
	October 5, 2005	Scheduled briefing replaced with phone call per request from Mr. Russell Jim. Items discussed were the status of the “Tank Closure EIS”; peer review of 100 B/C Area risk assessments; Fiscal Year 2006 Environmental Restoration and Waste Management Cooperative Agreement; Hanford 2007 budget; <i>HSW EIS</i> and composite model; and 221-U Building Record of Decision.

Table C–2. Chronology of Consultation Process for the “Tank Closure EIS” and Communications with American Indian Tribal Governments (*continued*)

American Indian Tribe	Date	Subject Matter/Purpose of Interaction
Confederated Tribes and Bands of the Yakama Nation (<i>continued</i>)	October 27, 2005	Phone call held among Mr. Russell Jim, Mr. Wade Riggsbee, and ORP to discuss bulk vitrification and the “Tank Closure EIS.”
	November 17, 2005	Briefing given to Yakama Nation at Union Gap on the status of the “Tank Closure EIS.”
Nez Perce Tribe	November 15, 2002	Phone call held with Mr. Patrick Sobotta requesting a meeting to discuss the NOI; fact sheet forwarded.
	December 9, 2002	Letter sent to Nez Perce Tribe from ORP confirming the meeting on December 10, 2002, to discuss current planning for the “Tank Closure EIS.”
	December 10, 2002	Meeting and presentation held by ORP to discuss the draft NOI.
	February 12, 2003	ORP received comments from the Nez Perce Tribe on the NOI.
	March 12, 2003	Letter sent to Nez Perce Tribe transmitting the draft tank waste primer and presentation used at the public scoping meetings for the “Tank Closure EIS.”
	July 15, 2003	Briefing provided to the Cultural Resources Committee on changes to alternatives as a result of scoping; the “Tank Closure EIS” postscoping report was provided.
	August 12, 2003	Letter sent to Nez Perce Tribe to document the area of potential effect and to seek consultation.
	September 3, 2003	Letter sent to Nez Perce Tribe transmitting cultural resources review and requesting consultation in NHPA Section 106 review.
	April 19, 2004	Email sent from Mr. Woody Russell (ORP) to Mr. Wilson regarding the schedule and status of the “Tank Closure EIS.”
	July 19, 2004	Meeting and presentation held by ORP to discuss structure of the alternatives in the “Tank Closure EIS.”
	July 27, 2004	ORP received request from Mr. Patrick Sobotta for continued discussions.
	August 10, 2004	Presentation provided at Risk-Based End State Meeting to discuss opportunities for public comment on the “Draft Tank Closure EIS.”
	November 2004 through January 2005	ORP received the American Indian scenario from the Confederated Tribes of the Umatilla Indian Reservation and a request to use this scenario in the “Tank Closure EIS.” A series of meetings and phone calls occurred between the Nez Perce Tribe and the “Tank Closure EIS” team; on January 10, 2005, an agreement was reached to use the American Indian scenario proposed by the Confederated Tribes of the Umatilla Indian Reservation because a Nez Perce scenario was not available.
	February 10, 2005	Mr. Roy Schepens (ORP) received letter regarding the Technical Requirements Document.
	March 8, 2005	Response to Technical Requirements Document for “Tank Closure (TC) Environmental Impact Statement (EIS)” Analysis sent.

Table C–2. Chronology of Consultation Process for the “Tank Closure EIS” and Communications with American Indian Tribal Governments (*continued*)

American Indian Tribe	Date	Subject Matter/Purpose of Interaction
Nez Perce Tribe (<i>continued</i>)	May 2, 2005	ORP provided data to Mr. Stan Sobczyk on the “Tank Closure EIS” data packages and the River Protection Project risk assessments.
	May 6–23, 2005	Email sent to Mr. Stan Sobczyk on the tank leak inventory used in the “Tank Closure EIS.”
	May 6, 2005	Email received from Mr. Stan Sobczyk acknowledging receipt of the tank leak inventory information and asking if the “Tank Closure EIS” will be using updated leak estimates developed by CH2M HILL Hanford Group, Inc.
Confederated Tribes of the Umatilla Indian Reservation	November 15, 2002	Phone call held with Mr. Richard Gay requesting a meeting to discuss the NOI; fact sheet forwarded.
	December 9, 2002	Letter sent to Confederated Tribes of the Umatilla Indian Reservation requesting a meeting to discuss the draft NOI prior to publication.
	July 15, 2003	Briefing provided to the Cultural Resources Committee on changes to alternatives as a result of scoping; the “Tank Closure EIS” postscoping report was provided.
	August 12, 2003	Letter sent to Confederated Tribes of the Umatilla Indian Reservation to document the area of potential effect and to seek consultation.
	September 3, 2003	Letter sent to Confederated Tribes of the Umatilla Indian Reservation transmitting cultural resources review and requesting consultation in NHPA Section 106 review.
	August 10, 2004	Presentation provided at Risk-Based End State Meeting to discuss opportunities for public comment on the “Draft Tank Closure EIS.”
	November 2004 through January 2005	ORP received the American Indian scenario from the Confederated Tribes of the Umatilla Indian Reservation and a request to use this scenario in the “Tank Closure EIS.” A series of meetings and phone calls occurred between the Confederated Tribes of the Umatilla Indian Reservation and the “Tank Closure EIS” team; on January 7, 2005, an agreement was reached to use the American Indian scenario proposed by the Confederated Tribes of the Umatilla Indian Reservation.
	March 24, 2005	Briefing provided to Hanford Advisory Board and American Indian tribes regarding how cumulative impacts will be represented in the “Tank Closure EIS.” Mr. Stuart Harris requested a followup from ORP. Phone call was made to Mr. Harris.
Confederated Tribes of the Colville Reservation	August 12, 2003	Letter sent to Confederated Tribes of the Colville Reservation to document the area of potential effect and to seek consultation.
	September 3, 2003	Letter sent to Confederated Tribes of the Colville Reservation transmitting cultural resources review.

Table C–2. Chronology of Consultation Process for the “Tank Closure EIS” and Communications with American Indian Tribal Governments (*continued*)

American Indian Tribe	Date	Subject Matter/Purpose of Interaction
Wanapum	August 12, 2003	Letter sent to Wanapum to document the area of potential effect and to seek consultation.
	September 3, 2003	Letter sent to Wanapum transmitting cultural resources review.

Key: HSW EIS=Final Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, Richland, Washington; NHPA=National Historic Preservation Act; NOI=Notice of Intent; ORP=Office of River Protection; “Tank Closure EIS”=“Environmental Impact Statement for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks at the Hanford Site, Richland, Washington.”

Table C–3. Chronology of Consultation Process for This TC & WM EIS and Communications with American Indian Tribal Governments

American Indian Tribe	Date	Subject Matter/Purpose of Interaction
Confederated Tribes and Bands of the Yakama Nation	March 7, 2006, and April 25, 2006	Letters sent inviting the Yakama Nation to meet with DOE to discuss the expanded TC & WM EIS scope, following DOE’s announcement (in January 2006) of the Settlement Agreement on the HSW EIS litigation.
	June 13, 2006, through July 21, 2006	DOE requested that the Yakama Nation identify a proposed candidate for the TRG for groundwater modeling. Information was exchanged on the anticipated scope and purpose of the TRG effort, along with proposed membership and selection criteria.
	July 19, 2006	DOE received letter from Mr. Russell Jim in response to DOE’s letter dated June 28, 2006.
	July 27, 2006	The Yakama Nation indicated that it did not want to identify a representative for the TRG.
	September 1, 2006	The Yakama Nation was invited to an open house to meet the TRG and provide feedback.
	September 1, 2006	A Yakama Nation staff member indicated that the fifth panel member would not contact the EIS team to participate because it would delay the process.
	December 4–6, 2006	The Yakama Nation was invited to the public TRG meetings.
	December 6–8, 2006	TRG meeting held to discuss preliminary groundwater model.
	January 16, 2007	DOE sent invitation to Mr. Russell Jim requesting continued dialog with the Yakama Nation.
	January 17, 2007	DOE met with Mr. Russell Jim and other American Indian tribes to discuss the public involvement opportunities for this EIS.
	January 22, 2007	DOE invited the Yakama Nation to participate at Ecology’s briefing on model calibration.
	February 5 and 8, 2007	TRG meetings were held with American Indian tribes on model calibration.

Table C–3. Chronology of Consultation Process for This TC & WM EIS and Communications with American Indian Tribal Governments (continued)

American Indian Tribe	Date	Subject Matter/Purpose of Interaction
Confederated Tribes and Bands of the Yakama Nation (continued)	February 15, 2007	Workshop was held on alternatives and cumulative impacts analysis.
	February 16, 2007	DOE contacted Mr. Wade Riggsbee to request copies of documents identified in the February 8, 2007, workshop.
	February 26, 2007	DOE sent a letter to Mr. Russell Jim regarding concerns he raised with respect to NEPA and the Fitzner-Eberhardt Arid Lands Ecology Reserve.
	February 27, 2007	DOE sent email transmitting the list of cumulative impacts references to the Yakama Nation, requesting review and any documents that might be available.
	March 27, 2007	DOE invited American Indian tribes to participate in the surveys for the TC & WM EIS/NHPA Section 106 compliance. Surveys were scheduled for April 3–6 and April 9–13, 2007.
	March 30, 2007	DOE sent email inviting members of the Yakama Nation to present their thoughts and views related to the vadose zone at the April 16, 2007, workshop.
	April 6, 2007	DOE transmitted the area of potential effect documentation for this TC & WM EIS to Mr. Russell Jim.
	April 9, 2007	As followup to March 30, 2007, correspondence, DOE invited the Yakama Nation to present information at the Vadose Zone Workshop.
	April 16, 2007	Vadose Zone Workshop was attended by American Indian tribes.
	April 23 and 26, 2007	TRG meeting on calibration was held (no Yakama Nation attendance).
	May 31, 2007	DOE Headquarters Chief Operating Officer met with Mr. Russell Jim to address concerns raised at the State and Tribal Government Working Group regarding this EIS and the consultation process.
	June 4, 2007	DOE invited American Indian tribes to participate in the Ecology briefing on the alternatives model.
	June 6, 2007	Workshop on EIS methodology was conducted.
	June 11–14, 2007	TRG kickoff meeting on alternatives model was presented.
	July 20, 2007	DOE sent invitation to Mr. Russell Jim requesting continued dialog with the Yakama Nation.
	September 5, 2007	DOE sent email transmitting the <i>Draft TC & WM EIS</i> Memorandum of Agreement and invitation to discuss information related to NHPA Section 106.
	September 18, 2007	DOE met with the American Indian tribes to discuss the <i>Draft TC & WM EIS</i> Memorandum of Agreement related to NHPA Section 106.
	October 25, 2007	DOE responded to the August 7, 2007, letter containing the report titled “Rethinking the Challenge of High-Level Nuclear Waste.”

Table C–3. Chronology of Consultation Process for This *TC & WM EIS* and Communications with American Indian Tribal Governments (*continued*)

American Indian Tribe	Date	Subject Matter/Purpose of Interaction
Confederated Tribes and Bands of the Yakama Nation (<i>continued</i>)	October 24–26, 2007	TRG meetings were held with American Indian tribes to review hydraulic properties.
	November 7, 2007	DOE invited the American Indian tribes to submit their unique cultural and historic perspective on the Hanford Site in a write-up to be included in the <i>Draft TC & WM EIS</i> .
	November 8, 2007	DOE sent a letter to Mr. Russell Jim to confirm DOE’s understanding from a meeting held on October 11, 2007, that the Yakama Nation did not request consultation interaction prior to the release of the <i>Draft TC & WM EIS</i> . DOE also confirmed the continuation of the quarterly meetings.
	December 3, 2007	DOE invited the American Indian tribes to attend a closeout meeting on the <i>TC & WM EIS</i> TRG.
	December 11, 2007	TRG closeout meeting was held.
	June 4, 2008	DOE sent a letter to Mr. Russell Jim regarding the completion of the material property evaluation of the vadose zone and offering the resumption of quarterly meetings.
	April 15, 2009	DOE contacted American Indian tribes by phone for feedback on the 140-day public comment period.
	November 17–19, 2009	DOE met with the Hanford Natural Resource Trustee Council to give briefing on the <i>Draft TC & WM EIS</i> .
	February 3, 2010	DOE sent a letter to Mr. Russell Jim inviting the Yakama Nation to consult with DOE and ORP on the <i>Draft TC & WM EIS</i> .
	March 15, 2010	Yakama Nation’s quarterly meeting was held to discuss groundwater and vadose zone modeling.
	April 28, 2011	DOE met with American Indian tribes to address tribal concerns regarding Borrow Area C related to the <i>NRDWL/SWL EA</i> .
Nez Perce Tribe	March 7, 2006	Letter sent inviting the Nez Perce Tribe to meet with DOE to discuss the expanded <i>TC & WM EIS</i> scope, following DOE’s announcement (in January 2006) of the Settlement Agreement on the <i>HSW EIS</i> litigation.
	June 13, 2006, through July 21, 2006	DOE requested that the Nez Perce Tribe identify a proposed candidate for the TRG for groundwater modeling. Information was exchanged on the anticipated scope and purpose of the TRG effort, along with proposed membership and selection criteria.
	July 27, 2006	The Nez Perce Tribe indicated that it did not want to identify a representative for the TRG.
	September 1, 2006	The Nez Perce Tribe was invited to an open house to meet the TRG and provide feedback.
	December 4–6, 2006	The Nez Perce Tribe was invited to the public TRG meetings.
	December 6–8, 2006	TRG meeting held to discuss preliminary groundwater model.
	January 16, 2007	DOE sent invitation to Mr. Gabriel Bohnee requesting continued dialog with the Nez Perce Tribe.
	January 17, 2007	DOE met with Mr. Gabriel Bohnee and other American Indian tribes to discuss the public involvement opportunities for this EIS.

Table C–3. Chronology of Consultation Process for This TC & WM EIS and Communications with American Indian Tribal Governments (continued)

American Indian Tribe	Date	Subject Matter/Purpose of Interaction
Nez Perce Tribe (continued)	January 22, 2007	DOE invited the Nez Perce Tribe to participate at Ecology’s briefing on model calibration.
	February 5 and 8, 2007	TRG meetings were held with American Indian tribes on model calibration.
	February 15, 2007	Workshop was held on alternatives and cumulative impacts analysis.
	February 27, 2007	DOE sent email transmitting the list of cumulative impacts references to the Nez Perce Tribe, requesting review and any documents that might be available.
	March 27, 2007	DOE invited American Indian tribes to participate in the surveys for the TC & WM EIS/NHPA Section 106 compliance. Surveys were scheduled for April 3–6 and April 9–13, 2007.
	March 29, 2007	DOE sent email inviting members of the Nez Perce Tribe to present their thoughts and views related to the vadose zone at the April 16, 2007, workshop.
	April 6, 2007	DOE transmitted the area of potential effect documentation for this TC & WM EIS to Mr. Gabriel Bohnee.
	April 9, 2007	As followup to March 29, 2007, correspondence, DOE invited the Nez Perce Tribe to present information at the Vadose Zone Workshop.
	April 16, 2007	Vadose Zone Workshop was attended by American Indian tribes.
	April 23 and 26, 2007	TRG meeting on calibration was held.
	June 4, 2007	DOE invited American Indian tribes to participate in the Ecology briefing on the alternatives model.
	June 6, 2007	Workshop on EIS methodology was conducted.
	June 11–14, 2007	TRG kickoff meeting on alternatives model was presented.
	July 20, 2007	DOE sent invitation to Mr. Gabriel Bohnee requesting continued dialog with the Nez Perce Tribe.
	September 5, 2007	DOE sent email transmitting the <i>Draft TC & WM EIS</i> Memorandum of Agreement and invitation to discuss information related to NHPA Section 106.
	September 18, 2007	DOE met with the American Indian tribes to discuss the <i>Draft TC & WM EIS</i> Memorandum of Agreement related to NHPA Section 106.
	October 24–26, 2007	TRG meetings were held with American Indian tribes to review hydraulic properties.
	November 7, 2007	DOE invited the American Indian tribes to submit their unique cultural and historic perspective on the Hanford Site in a write-up to be included in the <i>Draft TC & WM EIS</i> .
	December 3, 2007	DOE invited the American Indian tribes to attend a closeout meeting on the TC & WM EIS TRG.
	December 11, 2007	TRG closeout meeting was held.
	June 4, 2008	DOE sent a letter to Mr. Gabriel Bohnee regarding the completion of the material property evaluation of the vadose zone and offering resumption of quarterly meetings.

Table C–3. Chronology of Consultation Process for This TC & WM EIS and Communications with American Indian Tribal Governments (*continued*)

American Indian Tribe	Date	Subject Matter/Purpose of Interaction
Nez Perce Tribe <i>(continued)</i>	February 16, 2009	Nez Perce Tribe presented Environmental Restoration Waste Management Analysis of the <i>Draft TC & WM EIS</i> at the Hanford Advisory Board Meeting.
	April 15, 2009	DOE contacted American Indian tribes by phone for feedback on the 140-day public comment period.
	August 12, 2009	Quarterly meeting was held to discuss the status of the <i>Draft TC & WM EIS</i> .
	November 17–19, 2009	DOE met with the Hanford Natural Resource Trustee Council to give briefing on the <i>Draft TC & WM EIS</i> .
	November 30, 2009	DOE met with Nez Perce Tribe during Working Session meeting to provide a briefing on the <i>Draft TC & WM EIS</i> .
	February 3, 2010	DOE sent a letter inviting Nez Perce Tribe to consult with DOE and ORP on the <i>Draft TC & WM EIS</i> .
	April 20, 2010	DOE consulted with the Nez Perce Natural Resources Subcommittee to provide a briefing on the <i>Draft TC & WM EIS</i> and receive the tribe’s cultural perspective.
	April 29, 2010	DOE sent an email requesting tribal perspective for this <i>Final TC & WM EIS</i> .
	June 11, 2010	DOE sent a final attempt email requesting tribal perspective for this <i>Final TC & WM EIS</i> .
	April 28, 2011	DOE met with American Indian tribes to address tribal concerns regarding Borrow Area C related to the <i>NRDWL/SWL EA</i> .
Confederated Tribes of the Umatilla Indian Reservation	March 9, 2006	Letter sent inviting the Confederated Tribes of the Umatilla Indian Reservation to meet with DOE to discuss the expanded <i>TC & WM EIS</i> scope, following DOE’s announcement (in January 2006) of the Settlement Agreement on the <i>HSW EIS</i> litigation.
	March 31, 2006	The NEPA Document Manager met with the Confederated Tribes of the Umatilla Indian Reservation staff to go over the Settlement Agreement, Notice of Intent, and groundwater modeling.
	April 17, 2006	The ORP Manager met with the Confederated Tribes of the Umatilla Indian Reservation Trustee Board to discuss the scope of this <i>TC & WM EIS</i> .
	June 13, 2006, through July 21, 2006	DOE requested that the Confederated Tribes of the Umatilla Indian Reservation identify a proposed candidate for the TRG for groundwater modeling. Information was exchanged on the anticipated scope and purpose of the TRG effort, along with proposed membership and selection criteria.
	July 25, 2006	The Confederated Tribes of the Umatilla Indian Reservation indicated that they did not want to identify a representative for the TRG.
	September 1, 2006	The Confederated Tribes of the Umatilla Indian Reservation were invited to an open house to meet the TRG and provide feedback.
	December 4–6, 2006	The Confederated Tribes of the Umatilla Indian Reservation were invited to the public TRG meetings.

Table C–3. Chronology of Consultation Process for This TC & WM EIS and Communications with American Indian Tribal Governments (continued)

American Indian Tribe	Date	Subject Matter/Purpose of Interaction
Confederated Tribes of the Umatilla Indian Reservation (continued)	December 6–8, 2006	TRG meeting held to discuss preliminary groundwater model.
	January 16, 2007	DOE sent invitation to Mr. Stuart Harris requesting continued dialog with the tribes.
	January 17, 2007	DOE met with Mr. Stuart Harris and other American Indian tribes to discuss the public involvement opportunities for this EIS.
	January 22, 2007	DOE invited the Confederated Tribes of the Umatilla Indian Reservation to participate at Ecology’s briefing on model calibration.
	February 5 and 8, 2007	TRG meetings were held with American Indian tribes on model calibration.
	February 15, 2007	Workshop was held on alternatives and cumulative impacts analysis.
	February 27, 2007	DOE sent email transmitting the list of cumulative impacts references to the Confederated Tribes of the Umatilla Indian Reservation, requesting review and any documents that might be available.
	March 27, 2007	DOE invited American Indian tribes to participate in the surveys for the TC & WM EIS/NHPA Section 106 compliance. Surveys were scheduled for April 3–6 and April 9–13, 2007.
	March 30, 2007	DOE sent email inviting members of the Confederated Tribes of the Umatilla Indian Reservation to present their thoughts and views related to the vadose zone at the April 16, 2007, workshop.
	April 6, 2007	DOE transmitted the area of potential effect documentation for this TC & WM EIS to Mr. Stuart Harris.
	April 16, 2007	Vadose Zone Workshop was attended by American Indian tribes.
	April 23 and 26, 2007	TRG meeting on calibration was held.
	June 4, 2007	DOE invited American Indian tribes to participate in the Ecology briefing on the alternatives model.
	June 6, 2007	Workshop on EIS methodology was conducted.
	June 11–14, 2007	TRG kickoff meeting on alternatives model was presented.
	July 20, 2007	DOE sent invitation to Mr. Stuart Harris requesting continued dialog with the Confederated Tribes of the Umatilla Indian Reservation.
	September 5, 2007	DOE sent email transmitting the <i>Draft TC & WM EIS</i> Memorandum of Agreement and invitation to discuss information related to NHPA Section 106.
	September 18, 2007	DOE met with the American Indian tribes to discuss the <i>Draft TC & WM EIS</i> Memorandum of Agreement related to NHPA Section 106.
	October 24–26, 2007	TRG meetings were held with American Indian tribes to review hydraulic properties.
	November 7, 2007	DOE invited the American Indian tribes to submit their unique cultural and historic perspective on the Hanford Site in a write-up to be included in the <i>Draft TC & WM EIS</i> .

Table C–3. Chronology of Consultation Process for This *TC & WM EIS* and Communications with American Indian Tribal Governments (*continued*)

American Indian Tribe	Date	Subject Matter/Purpose of Interaction
Confederated Tribes of the Umatilla Indian Reservation (<i>continued</i>)	November 8, 2007	The Confederated Tribes of the Umatilla Indian Reservation responded to DOE on its review of the cultural resources documentation for the <i>Draft TC & WM EIS</i> .
	November 26, 2007	The Confederated Tribes of the Umatilla Indian Reservation sent letter regarding concern about the adverse effects that the undertakings at Borrow Area C would have on Rattlesnake Mountain.
	December 3, 2007	DOE invited the American Indian tribes to attend a closeout meeting on the <i>TC & WM EIS</i> TRG.
	December 11, 2007	TRG closeout meeting was held.
	December 20, 2007	DOE responded to the Confederated Tribes of the Umatilla Indian Reservation's November 26, 2007, letter concerning the effects of DOE's undertakings at Borrow Area C on Rattlesnake Mountain and their request for the list of experts preparing this <i>TC & WM EIS</i> .
	June 4, 2008	DOE sent a letter to Mr. Stuart Harris regarding the completion of the material property evaluation of the vadose zone and offering resumption of quarterly meetings.
	April 15, 2009	DOE contacted American Indian tribes by phone for feedback on the 140-day public comment period.
	November 17–19, 2009	DOE met with the Hanford Natural Resource Trustee Council to give briefing on the <i>Draft TC & WM EIS</i> .
	February 3, 2010	DOE sent a letter inviting the Confederated Tribes of the Umatilla Indian Reservation to consult with DOE and ORP on the <i>Draft TC & WM EIS</i> .
	April 29, 2010	DOE consulted with the Confederated Tribes of the Umatilla Indian Reservation to provide a briefing on the <i>Draft TC & WM EIS</i> and to receive their perspective and comments.
	April 28, 2011	DOE met with American Indian tribes to address tribal concerns regarding Borrow Area C related to the <i>NRDWL/SWL EA</i> .
Confederated Tribes of the Colville Reservation	March 27, 2007	DOE invited American Indian tribes to participate in the surveys for the <i>TC & WM EIS</i> /NHPA Section 106 compliance. Surveys were scheduled for April 3–6 and April 9–13, 2007.
	April 6, 2007	DOE transmitted the area of potential effect documentation for this <i>TC & WM EIS</i> to Ms. Camille Pleasants.
	September 5, 2007	DOE sent email transmitting the <i>Draft TC & WM EIS</i> Memorandum of Agreement and invitation to discuss information related to NHPA Section 106.
	September 18, 2007	DOE met with the American Indian tribes to discuss the <i>Draft TC & WM EIS</i> Memorandum of Agreement related to NHPA Section 106.
Wanapum	March 27, 2007	DOE invited American Indian tribes to participate in the surveys for the <i>TC & WM EIS</i> /NHPA Section 106 compliance. Surveys were scheduled for April 3–6 and April 9–13, 2007.
	April 6, 2007	DOE transmitted the area of potential effect documentation for this <i>TC & WM EIS</i> to Ms. Lenora Seelatsee.

Table C–3. Chronology of Consultation Process for This TC & WM EIS and Communications with American Indian Tribal Governments (continued)

American Indian Tribe	Date	Subject Matter/Purpose of Interaction
Wanapum (continued)	September 5, 2007	DOE sent email transmitting the <i>Draft TC & WM EIS</i> Memorandum of Agreement and invitation to discuss information related to NHPA Section 106.
	September 18, 2007	DOE met with the American Indian tribes to discuss the <i>Draft TC & WM EIS</i> Memorandum of Agreement related to NHPA Section 106.
	April 28, 2011	DOE met with American Indian tribes to address tribal concerns regarding Borrow Area C related to the <i>NRDWL/SWL EA</i> .

Key: DOE=U.S. Department of Energy; Ecology=Washington State Department of Ecology; EIS=environmental impact statement; HSW EIS=Final Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, Richland, Washington; NEPA=National Environmental Policy Act; NHPA=National Historical Preservation Act; NRDWL/SWL EA=Nonradioactive Dangerous Waste Landfill and the Solid Waste Landfill Environmental Assessment; ORP=Office of River Protection; TC & WM EIS=Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington; TRG=Technical Review Group.

C.3.1 Correspondence to American Indian Tribal Governments

The following are copies of the correspondence from DOE to the American Indian tribal governments. Below is a list of these letters.

C.3.1.1 Confederated Tribes and Bands of the Yakama Nation

To: Mr. Russell Jim, Confederated Tribes and Bands of the Yakama Nation

From: Mr. James E. Rasmussen, U.S. Department of Energy

Date: December 9, 2002

Subject: Tank Closure Environmental Impact Statement (EIS)

To: Mr. Russell Jim, Mr. Wilferd Yallup, J. McConnaughey, and Wade Riggsbee, Confederated Tribes and Bands of the Yakama Nation

From: Ms. Annabelle Rodriguez, U.S. Department of Energy

Date: August 12, 2003

Subject: Notification of a Section 106 Cultural Resources Review

To: Mr. Russell Jim, Confederated Tribes and Bands of the Yakama Nation

From: Mr. Joel Hebdon, U.S. Department of Energy

Date: September 3, 2003

Subject: Cultural Resources Review (CRR) of “Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks (Tank Closure) Environmental Impact Statement” (HCRC# 2003-200-044)

To: Mr. Russell Jim, Confederated Tribes and Bands of the Yakama Nation

From: Mr. Roy J. Schepens, U.S. Department of Energy

Date: November 4, 2004

Subject: Information Regarding Ongoing Testing of Bulk Vittrification

To: Mr. Phil Rigdon, Confederated Tribes and Bands of the Yakama Nation
From: Mr. Roy J. Schepens, U.S. Department of Energy
Date: March 7, 2006
Subject: *Tank Closure and Waste Management Environmental Impact Statement (EIS)* Meetings with the Confederated Tribes and Bands of the Yakama Indian Nation and the U.S. Department of Energy, Office of River Protection (ORP)

To: Mr. Russell Jim, Confederated Tribes and Band of the Yakama Nation
From: Mr. Roy J. Schepens, U.S. Department of Energy
Date: April 25, 2006
Subject: Meetings with the Yakama Nation (YN) and the U.S. Department of Energy, Office of River Protection (ORP) Regarding the *Tank Closure and Waste Management Environmental Impact Statement (TC & WM EIS)*

To: Mr. Russell Jim, Confederated Tribes and Bands of the Yakama Nation
From: Mr. Roy J. Schepens, U.S. Department of Energy
Date: January 16, 2007
Subject: Quarterly Meetings with the Yakama Nation and the U.S. Department of Energy, Office of River Protection (ORP)

To: Mr. Russell Jim, Confederated Tribes and Bands of the Yakama Nation
From: Mr. Doug S. Shoop, U.S. Department of Energy
Date: February 26, 2007
Subject: Cultural Resource Review of the Arid Lands Ecology (ALE) Reserve Borrow Site

To: Confederated Tribes and Bands of the Yakama Nation Representatives
From: Ms. Ellen Prendergast-Kennedy, Pacific Northwest National Laboratory
Date: March 27, 2007
Subject: Invitation to Participate in Cultural Resources Survey for Portions of the Area C Borrow Pit Area and the 600 Area for the *Tank Closure and Solid Waste EIS/NHPA* 106 Compliance

To: Mr. Russell Jim, Confederated Tribes and Bands of the Yakama Nation
From: Mr. Doug S. Shoop, U.S. Department of Energy
Date: April 6, 2007
Subject: Transmittal of Area of Potential Effect (APE) for *Tank Closure and Waste Management Environmental Impact Statement (TC & WM EIS)* for the Hanford Site, Richland, Washington

To: Mr. Russell Jim, Confederated Tribes and Bands of the Yakama Nation
From: Ms. Shirley J. Olinger, U.S. Department of Energy
Date: July 20, 2007
Subject: *Tank Closure and Waste Management (TC & WM)* Meetings with the Yakama Tribe and the U.S. Department of Energy, Office of River Protection (ORP)

To: Confederated Tribes and Bands of the Yakama Nation Representatives
From: Ms. Annabelle Rodriguez, U.S. Department of Energy
Date: September 5, 2007
Subject: *Draft Tank Closure and Waste Management Environmental Impact Statement (TC & WM EIS)* Memorandum of Agreement

To: Mr. Russell Jim, Confederated Tribes and Bands of the Yakama Nation
From: Mr. Frank Marcinowski, U.S. Department of Energy
Date: October 25, 2007
Subject: Response to August 7, 2007, Letter Containing Report Titled “Rethinking the Challenge of High-Level Nuclear Waste”

To: Mr. Russell Jim, Confederated Tribes and Bands of the Yakama Nation
From: Ms. Shirley J. Olinger, U.S. Department of Energy
Date: November 7, 2007
Subject: *Tank Closure and Waste Management (TC & WM) Environmental Impact Statement (EIS) Cultural Information*

To: Mr. Russell Jim, Confederated Tribes and Bands of the Yakama Nation
From: Ms. Shirley J. Olinger and David A. Brockman, U.S. Department of Energy
Date: November 8, 2007
Subject: *Tank Closure and Waste Management Environmental Impact Statement (TC & WM EIS) Consultation*

To: Confederated Tribes and Bands of the Yakama Nation Representatives
From: Ms. Ellen Prendergast-Kennedy, Pacific Northwest National Laboratory
Date: May 29, 2008
Subject: Notification of a Section 106 Cultural Resources Review

To: Mr. Russell Jim, Confederated Tribes and Bands of the Yakama Nation
From: Ms. Shirley J. Olinger, U.S. Department of Energy
Date: June 4, 2008
Subject: Environmental Impact Statement Groundwater Modeling Progress

To: Mr. Ralph Sampson, Jr., Confederated Tribes and Bands of the Yakama Nation
From: Ms. Shirley J. Olinger, U.S. Department of Energy
Date: February 3, 2010
Subject: *Draft Tank Closure and Waste Management Environmental Impact Statement (TC & WM EIS) Consultation*

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – December 9, 2002



02-ED-019

U.S. Department of Energy

Office of River Protection

P.O. Box 450
Richland, Washington 99352

DEC 09 2002

Mr. Russell Jim
Environmental Restoration/
Waste Management Program
Confederated Tribes and Bands
of the Yakama Nation
2808 Main Street
Union Gap, Washington 98903

Dear Mr. Jim:

TANK CLOSURE ENVIRONMENTAL IMPACT STATEMENT (EIS)

The U.S. Department of Energy, Office of River Protection (ORP), intends to start work within the next two years that will culminate in the closure of all the high-level waste storage tanks at Hanford by 2028. This will be a huge endeavor with potentially significant impacts on the environment and people of this area.

ORP is required to prepare an EIS before starting this work. An EIS will give us the information we need from the Tribal governments, regulators, elected officials, Hanford stakeholders, and the public to make effective decisions about tank closure.

ORP is in the early stages of preparing this EIS. Presently we are performing pre-scoping work, and this is the best time to listen to the views of Tribal governments, stakeholders, and regulators about how the EIS should be designed and what it should cover. ORP wants to hear from you before we issue a Notice of Intent and conduct public scoping meetings early next year.

ORP representatives would like to meet with you and/or members of your staff to discuss our current planning for the EIS and, mainly, to listen to you talk about issues and concerns you have about tank closure. I acknowledge that you and your staff are busy this time of year. We propose to take only an hour of your time. We very much want to talk with you about this important project.

If you have any questions, please contact me, or Mary Beth Burandt, of my staff,
(509) 373-9160.

Sincerely,

A handwritten signature in black ink, reading "James E. Rasmussen".

James E. Rasmussen, Director
Environmental Division

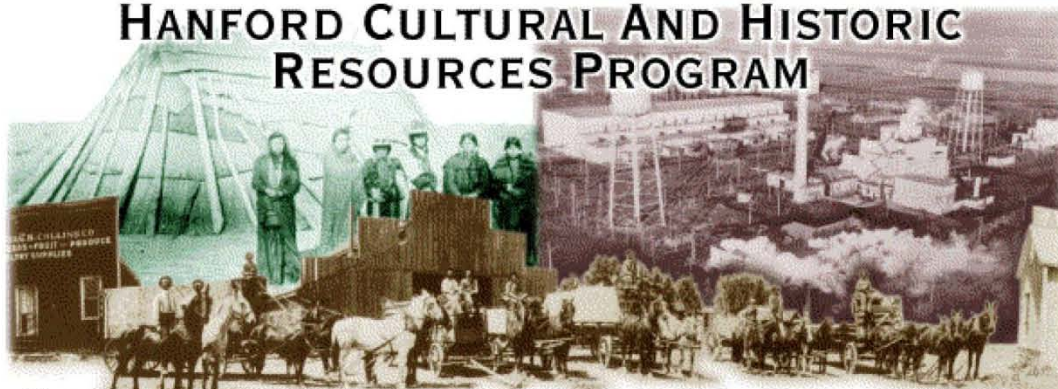
ED:GMN

cc: J. L. Hanson, INNOV
K. V. Clarke, RL
P. F. X. Dunigan, Jr., RL

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – August 12, 2003

From the desk of

HANFORD CULTURAL AND HISTORIC RESOURCES PROGRAM



NATIVE AMERICANS • SETTLERS • MANHATTAN PROJECT/COLD WAR ERA
ANNABELLE L. RODRIGUEZ

U.S. Department of Energy, Richland Operations Office
Cultural and Historic Resources Program
(509) 372-0277 Fax (509) 376-0306

To:	Mr. Patrick Sobotta, NPT	Via E-mail
	Mr. Mike Sobotta, NPT	
	Ms. Vera Sonneck, NPT	
	Dr. Rico Cruz, NPT	
	Mr. Jeff Van Pelt, CTUIR	Via E-mail
	Ms. Julie Longenecker, CTUIR	fax (509) 946-1954
	Ms. Lenora Seelatsee, Wanapum	Via E-mail
	Mr. Rex Buck, Wanapum	Via E-mail
	Mr. Russell Jim, YN	Via fax and E-mail
	Mr. Wilferd Yallup, YN	(509) 452-2503
	J. McConnaughey, YN	Via E-mail
	Wade Riggsbee, YN	Via E-mail
	Ms. Camille Pleasants, CCT	Via E-mail
	Mr. Kevin Clarke	Via E-mail

This letter is to notify your office of a Section 106 Cultural Resources Review recently received by the U.S. Department of Energy, Richland Operations Office. This review proposes a project determined to be an undertaking which might affect historic properties. This notification is in accordance with 36 CFR Part 800.4(a) to document the area of potential effect for this project. This correspondence is also being sent to you to seek consultation on these projects per 36 CFR 800. An official Section 106 determination of affect to historic properties will be submitted for your 30 day review and comment upon completion of this cultural resources review. Please contact me if you have any questions or comments. The Hanford Cultural Resources Laboratory (HCRL), the Hanford Site cultural resources contractor, has compiled the attached information. Please contact me at (509) 372-0277 or Ellen Prendergast, HCRL Section 106 Coordinator (509) 376-4626 if you have any questions.

*Thank you,
Annabelle Rodriguez*

Attachment to Confederated Tribes and Bands of the Yakama Nation, August 12, 2003 – Project Description

August 12, 2003

**Project Title and Description: Retrieval, Treatment and Disposal of Tank Waste
and Closure of Single Shell Tanks (Tank Closure) Environmental Impact
Statement (HCRC#2003-200-044).**

DOE proposes to retrieve waste from the 149 Single Shell Tanks (SSTs) and 28 Double Shell Tanks Systems (DSTs) and close the SST tank farms in a manner that complies with Federal and Washington State requirements and protects the human environment. (Closure of the DSTs and closure of the Waste Treatment Plant (WTP) are not part of the proposed action because they are active facilities needed to complete waste treatment. Closure of the DSTs and WTP would be addressed at a later date, after appropriate NEPA analysis.) DOE proposes to immobilize the retrieved waste in the WTP and through supplemental treatment technologies such as bulk vitrification, grout, steam reforming, and sulfate removal, and then package the immobilized waste for offsite shipment and disposal in licensed and/or permitted facilities or disposal onsite. The EIS is examining 6 alternatives, each of which contains a waste storage, retrieval, treatment and disposal component.

Most of the alternatives would require new facilities to be constructed and ground disturbance. All ground disturbing activities will be contained to the 200 West and 200 East Areas on the Hanford Site, as well as immediately east and west of the 200 East Areas (see Figure 1 and 2). 5 of the 6 alternatives entail new construction within the fencelines of the 200 East Area, the 200 West Area and the Waste Treatment Plant (WTP) (Vitrification Plant), located east of the 200 East Area. Exceptions include a Waste Treatment Plant replacement to be located north of the current WTP, a Canister Storage Module (CSM) Area 2 to be located east of the current WTP, and an IHLW Preprocessing Facility and HLW Debris Storage Area to be located between the 200 East and West Areas. The proposed locations of these facilities are depicted in Figure 2.

As the EIS is still in the conceptual stage and continues to evolve and changes to alternatives continue to be made, the project areas delineated in the attached maps are at this time general locations of project construction activities.

Area of Potential Effect: The Area of Potential Effect (APE) is contained to specific construction areas that area located both inside and outside of the 200 East and West Areas delineated in the attached map (Figure 2 and 3).

Existing Information:

- Most of the project area has been surveyed for cultural resources (HCRC# 88-200-046, 87-200-004, 87-200-012, 94-600-054, 88-200-038, 96-200-058, 92-200-007, 96-200-109, 97-200-002, 88-200-055, 88-200-015, 93-200-001, 94-200-097, 93-600-004) (Figure 4 and 5).
- 2 historic isolated finds consisting of historic cans (HI-88-024, 88-025) have been recorded in the CSM project area in the 200 East area. One prehistoric isolated find a cryptocrystalline silica (CCS) base of a projectile point (HI-88-004) was located and collected in the CSM Area 2, east of the WTP project areas. According to aerial

Attachment to Confederated Tribes and Bands of the Yakama Nation, August 12, 2003 – Project Description (*continued*)

photographs, unsurveyed areas in the 200 East and West Areas appear to be highly disturbed by Hanford construction activities. North of the WTP, where the proposed WTP Replacement is proposed, portions of that area have not been surveyed and portions of it are highly disturbed. An area measuring approximately 4 acres has not been surveyed and it appears to be undisturbed. Approximately a 100 acre area east of the WTP where the CSM Area 2 is proposed has not been surveyed. Portions of this area are also disturbed.

Next Steps

- The undisturbed, unsurveyed project areas need to be surveyed for cultural resources.

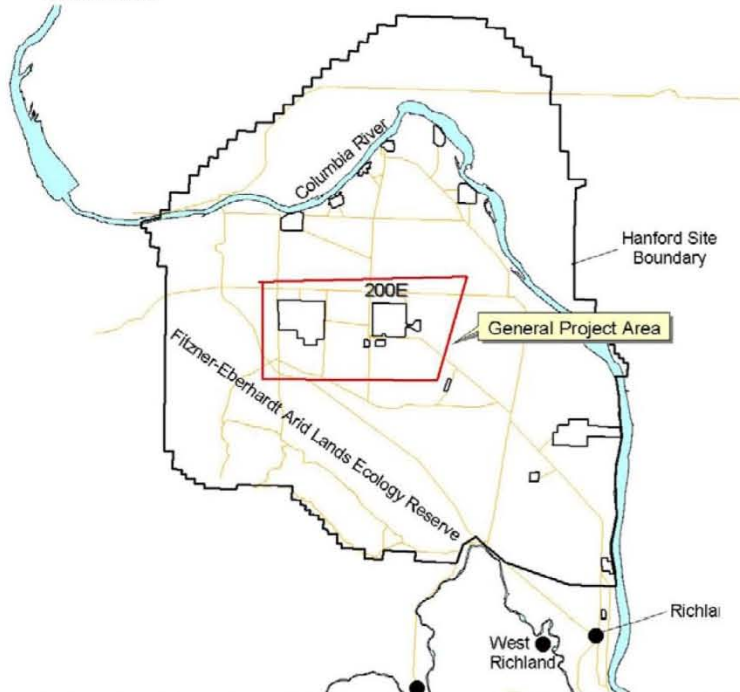


Figure 1. HCRC# 2003-200-044 Project location in relation to the Hanford Site.

**Attachment to Confederated Tribes and Bands of the Yakama Nation, August 12, 2003 –
Project Description (*continued*)**

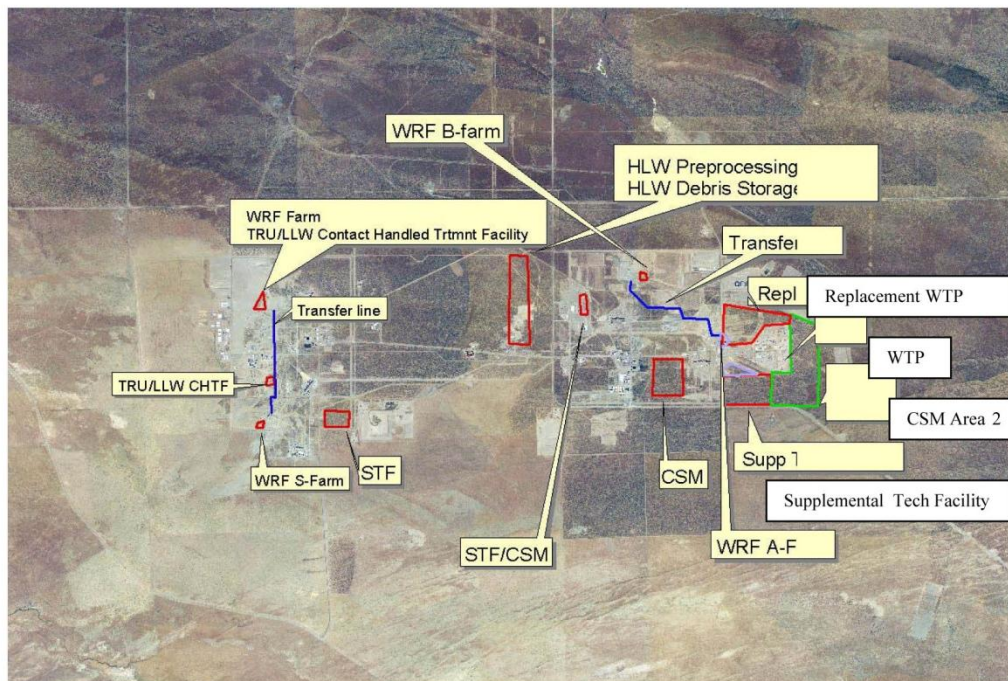


Figure 2. HCRC# 2003-200-044. Project Areas and APE overlaid on top of a 2002 aerial photograph.

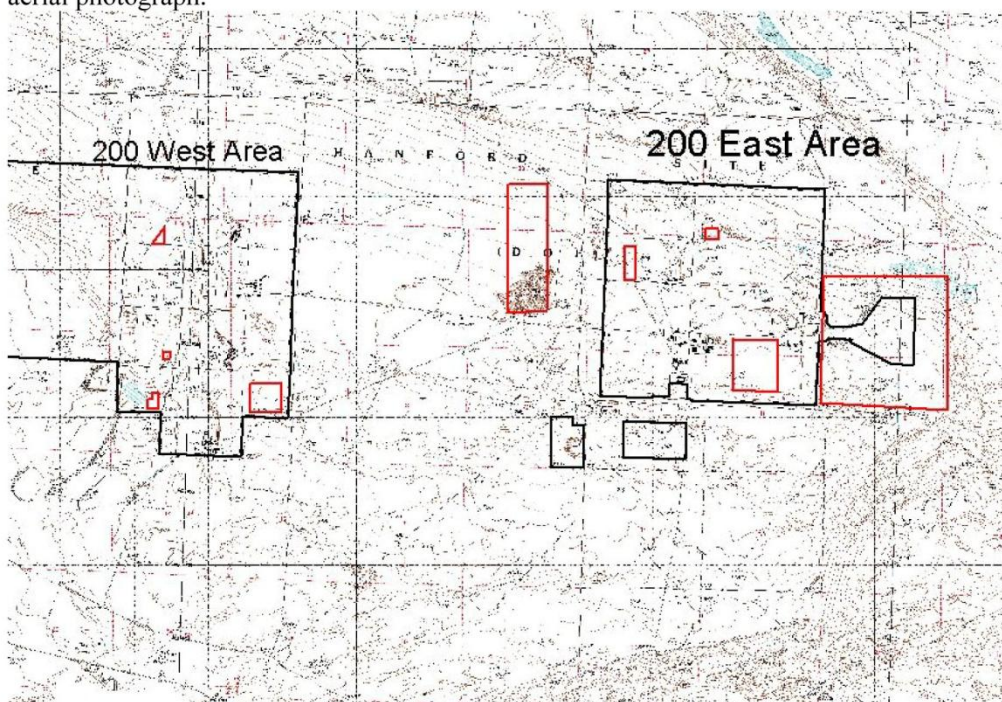


Figure 3. HCRC #2003-200-044 Project area and Ape on USGS Topography quadrangle maps.

Attachment to Confederated Tribes and Bands of the Yakama Nation, August 12, 2003 – Project Description (*continued*)

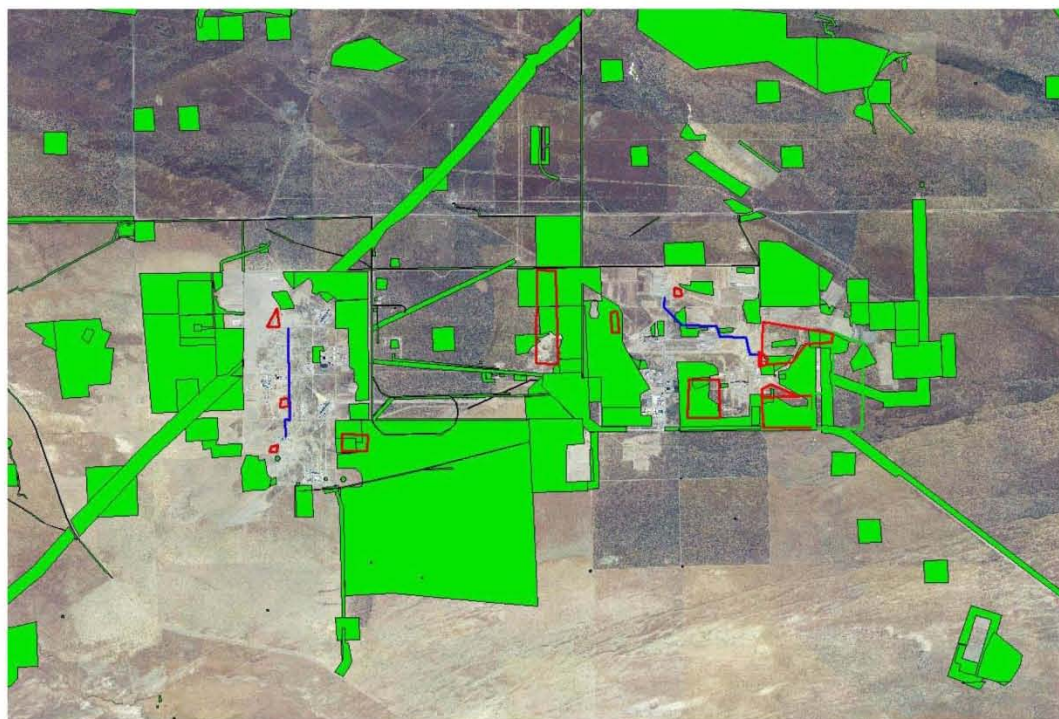


Figure 4. HCRC# 2003-200-044. Shaded/green areas depict areas surveyed for cultural resources in relation to project areas. Image also shows disturbance from 2002 aerial photographs.

**Attachment to Confederated Tribes and Bands of the Yakama Nation, August 12, 2003 –
Project Description (*continued*)**

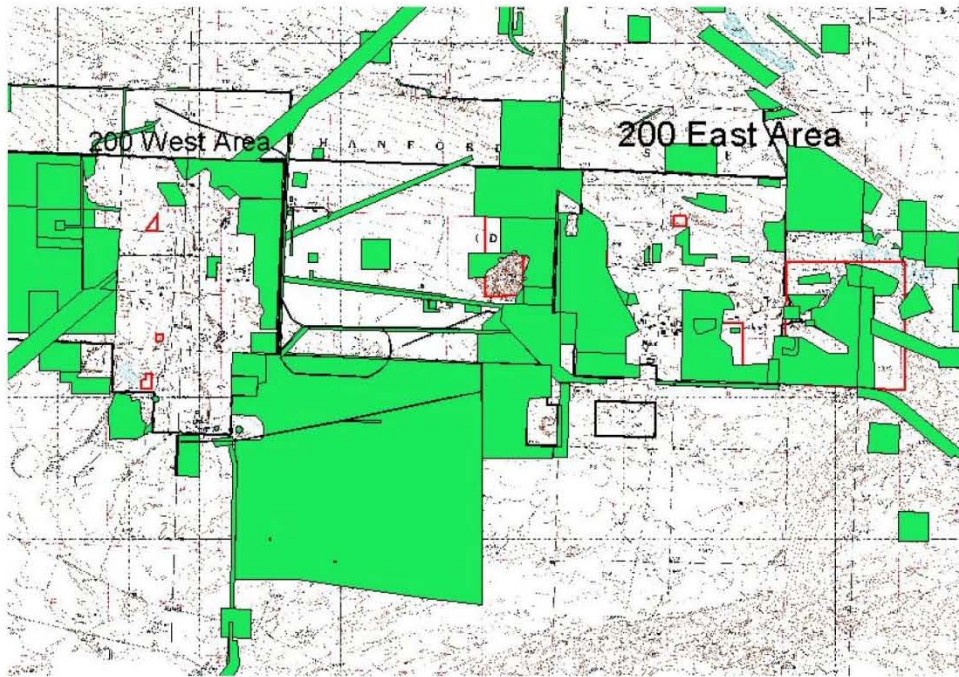


Figure 5. 2003-200-044. Shaded/green areas depict areas surveyed for cultural resources in relation to project areas on USGS Topography Quadrangle.

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – September 3, 2003



03-RCA-0377

Department of Energy

Richland Operations Office
P.O. Box 550
Richland, Washington 99352

SEP 3 2003

Mr. Russell Jim, Manager
Environmental Restoration/
Waste Management Program
Confederated Tribes and Bands
of the Yakama Nation
2808 Main Street
Union Gap, Washington 98903

Dear Mr. Jim:

CULTURAL RESOURCES REVIEW (CRR) OF RETRIEVAL, TREATMENT, AND
DISPOSAL OF TANK WASTE AND CLOSURE OF SINGLE-SHELL TANKS (TANK
CLOSURE) ENVIRONMENTAL IMPACT STATEMENT (HCRC# 2003-200-044)

Enclosed is a CRR completed by the U.S. Department of Energy, Richland Operations
Office's (RL) Hanford Cultural Resources Laboratory (HCRL) on August 28, 2003, for the
subject project located on the Hanford Site, Richland, Washington. The results of the records
and literature review conducted by HCRL staff are described in the enclosed CRR. RL concurs
with the findings as stated in the enclosed CRR. Pursuant to 36CFR 800.2 (4), we are providing
documentation to support these findings and to involve your office as a consulting party in the
NHPA Section 106 Review process. If you have any questions, please contact
Annabelle L. Rodriguez, of my staff, on (509) 372-0277.

Sincerely,

A handwritten signature in black ink, reading "Joel Hebdon".

Joel Hebdon, Director
Regulatory Compliance and Analysis Division

RCA:ALR

Enclosure

cc w/o encl:
E. L. Prendergast, PNNL

cc w/encl:
W. Yallup, YN

**Enclosure to Confederated Tribes and Bands of the Yakama Nation, September 3, 2003 –
Project Description**

**Pacific Northwest
National Laboratory**

Operated by Battelle for the
U.S. Department of Energy

August 28, 2003

*No adverse effect to historic properties
SHPO, Tribe and interested parties 30 day review required*

Charlotte Johnson
Science Applications International Corporation
3250 Port of Benton Boulevard
Richland, Washington 99352

Subject: Cultural Resources Review of Retrieval, Treatment and Disposal of Tank Waste and
Closure of Single Shell Tanks (Tank Closure) Environmental Impact Statement (EIS) (HCRC#
2003-200-044).

Dear Ms. Johnson,

Project Description

DOE proposes to retrieve waste from the 149 Single Shell Tanks (SSTs) and 28 Double Shell Tanks Systems (DSTs) and close the SST tank farms in a manner that complies with Federal and Washington State requirements and protects the human environment. DOE also proposes to immobilize the retrieved waste in the WTP and through supplemental treatment technologies such as bulk vitrification, grout, steam reforming, and sulfate removal, and then package the immobilized waste for offsite shipment and disposal in licensed and/or permitted facilities or disposal onsite. The Environmental Impact Statement (EIS) is examining six alternatives, each of which contains a waste storage, retrieval, treatment and disposal component.

Most of the alternatives would require new facilities to be constructed and ground disturbance. All ground disturbing activities will be contained to the 200 West and 200 East Areas on the Hanford Site, as well as immediately east and west of the 200 East Areas (see Figure 1 and 2). Five of the six alternatives entail new construction within the fence lines of the 200 East Area, the 200 West Area and the Waste Treatment Plant (WTP) (Vitrification Plant), located east of the 200 East Area. Exceptions include a Waste Treatment Plant replacement to be located north of the current WTP, a Canister Storage Module (CSM) Area 2 to be located east of the current WTP, and an IHLW Preprocessing Facility and HLW Debris Storage Area to be located between the 200 East and West Areas. The proposed locations of these facilities are depicted in Figure 2.

The EIS is still in the conceptual stage and alternatives continue to evolve. Therefore, the project areas delineated in the attached maps are at this time general locations of project construction activities.

902 Battelle Boulevard • P.O. Box 999 • Richland, WA 99352

Telephone (509) 376-4626 ■ Email ellen.prendergast@pnl.gov ■ Fax (509) 376-2210

Enclosure to Confederated Tribes and Bands of the Yakama Nation, September 3, 2003 – Project Description (*continued*)

Charlotte Johnson
August 28, 2003
Page 2

Notifications and Public Involvement

On August 12, 2003, a notification letter was sent to the following:

- Per 36 CFR 800, the State Historic Preservation Officer (SHPO) and Tribes were notified of this cultural resources review request and the Area of Potential Effect (APE). The APE was defined as specific construction areas that are located both inside and outside of the 200 East and West Areas delineated in the attached map (Figure 2 and 3).

On August 12, 2003, the SHPO notified DOE that they concurred with the definition of the APE.

Identification of Historic Properties, Results of the Records Search and Literature Review

The Hanford Cultural Resources Laboratory (HCRL) conducted a records and literature search to identify historic properties in the APE of the project. The results indicate that most of the project area has been surveyed for cultural resources (HCRC# 88-200-046, 87-200-004, 87-200-012, 94-600-054, 88-200-038, 96-200-058, 92-200-007, 96-200-109, 97-200-002, 88-200-055, 88-200-015, 93-200-001, 94-200-097, 93-600-004) (Figure 4 and 5). Two historic isolated finds consisting of historic cans (HI-88-024, 88-025) have been recorded in the CSM project area in the southwest corner of the 200 East area. One prehistoric isolated find, a cryptocrystalline silica (CCS) base of a projectile point (HI-88-004) was located and collected in the CSM Area 2 (east of the 200 East Area). A small portion of one of the arc roads that makes up the Hanford Atmospheric Dispersion Test Facility (HT-99-007) is located within the HLW Processing area, west of the 200 East Area. HT-99-007 has been evaluated and was determined to be a contributing property within the Manhattan Project and Cold War Era Historic District recommended for individual documentation. A Historic Property Inventory Form (HPIF) was completed and numerous artifacts were identified as having interpretive or educational value in potential exhibits. A selected, representative number of artifacts were removed and curated into the Hanford Collection. According to 2002 aerial photographs, many of the unsurveyed areas of the APE appear to be highly disturbed by Hanford construction activities. Approximately 190 acres are undisturbed and have not been surveyed (Figure 6-9).

On August 25 and 26, 2003, HCRL staff and cultural resources staff of the Nez-Perce Tribe and the Yakama Nation conducted a cultural resources survey of these areas (Figure 6-9). HT-2003-018 consisting of a small military refuse pile of cans and coke bottles was located in the CSM 2 project area southwest of the Waste Treatment Plant and slightly north of Route 4 South. This site is likely to be associated with National Register eligible Anti-Aircraft Artillery Site (H3-417) located approximately 400 meters south of HT-2003-018, on the south side of Route 4 South. HT-2003-018 is considered to be a noncontributing feature associated with the AAA site located south of 4 South and is therefore not considered to be eligible to the Register. A portion of one of the arc roads associated with HT-99-007 was encountered by the survey.

No input has been provided by tribes on the identification or potential impacts to traditional cultural properties (TCPs) at this time.

Findings

HCRL has determined that project activities will have no adverse affect on HT-99-007 as all mitigation activities in the form of documentation and collection of artifacts has been completed. Depending on the alternative chosen, the project will impact HT-2003-018. Although not eligible to the National Register, HCRL recommends that the project avoid this site if possible.

**Enclosure to Confederated Tribes and Bands of the Yakama Nation, September 3, 2003 –
Project Description (*continued*)**

Charlotte Johnson
August 28, 2003
Page 3

The U.S. Department of Energy Cultural and Historic Resources Program will submit an official letter of documentation to the SHPO and Tribes of our findings. **Pursuant to 36CFR Section 800, SHPO, tribes have 30 days to respond in receipt of this letter. No project activities should begin until the SHPO has concurred with the findings stated above.**

All workers should be directed to watch for cultural materials (e.g. bones, artifacts) during all work activities. If any are encountered, work in the vicinity of the discovery must stop until an archaeologist has been notified, assessed the significance of the find, and, if necessary arranged for mitigation of the impacts to the find. The SHPO must be notified if any changes to project location or scope are anticipated. If you have any questions, please call me at 376-4626. Please use the HCRC# above for any future correspondence concerning this project.

Very truly yours,



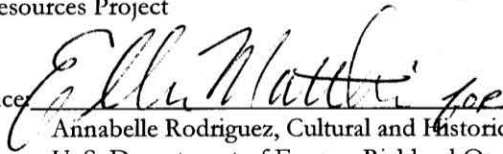
Ellen Prendergast-Kennedy, M. A.
Research Scientist/Anthropologist
Cultural Resources Project

Concurrence:



For D. C. Stapp, Project Manager
Cultural Resources Project

Concurrence:



Annabelle Rodriguez, Cultural and Historical Resources Program Manager
U. S. Department of Energy, Richland Operations Office

Attachments(s)

EPK: olk

cc: Annabelle Rodriguez (2) A5-15
Environmental Portal, A3-01
Mary Beth Burandt, H6-60
File/LB

Enclosure to Confederated Tribes and Bands of the Yakama Nation, September 3, 2003 – Project Description (continued)

Charlotte Johnson
August 28, 2003
Page 4

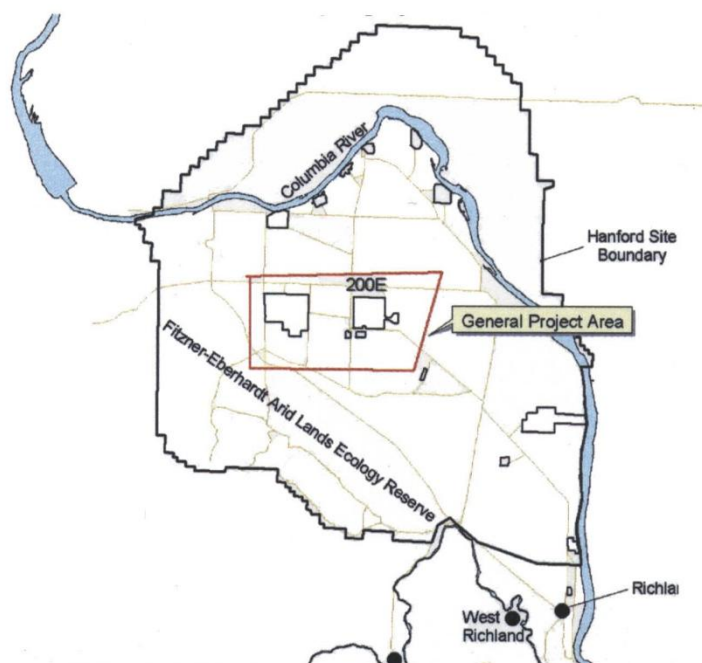


Figure 1. HCRC# 2003-200-044 Project location in relation to the Hanford Site.

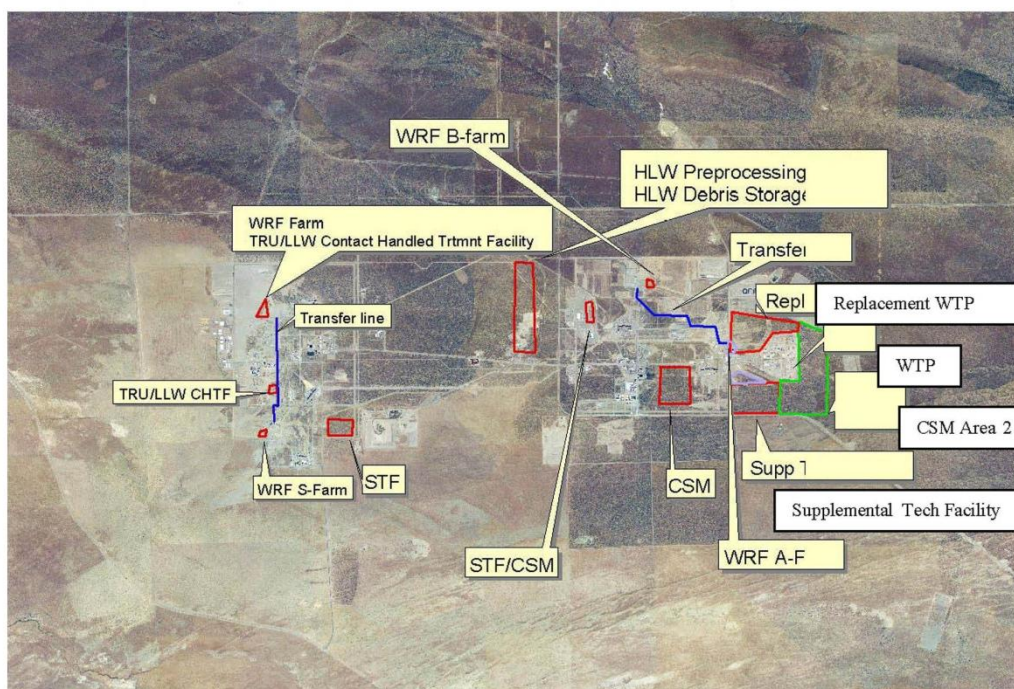


Figure 2. HCRC# 2003-200-044. Project Areas and APE overlaid on top of a 2002 aerial photograph.

**Enclosure to Confederated Tribes and Bands of the Yakama Nation, September 3, 2003 –
Project Description (*continued*)**

Charlotte Johnson
August 28, 2003
Page 5

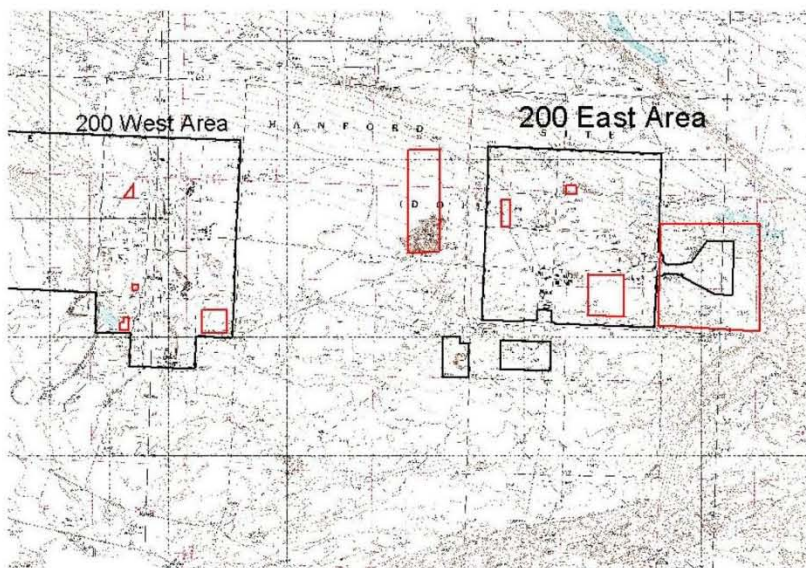


Figure 3. HCRC#2003-200-044 Project areas and APE on USGS Topography quadrangle maps.

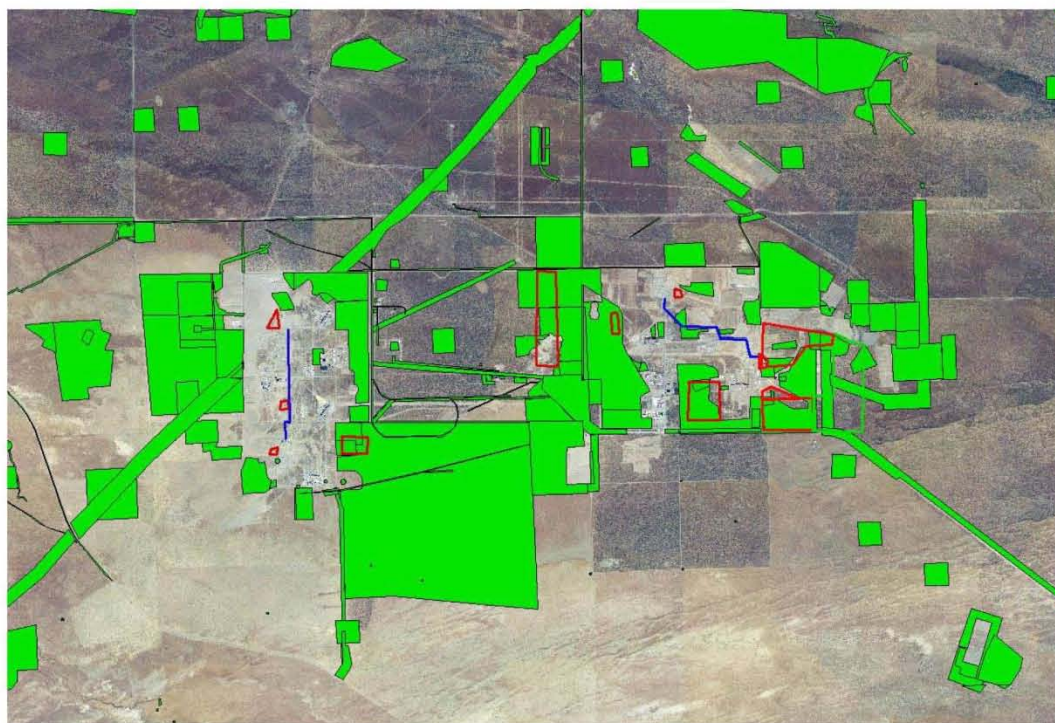


Figure 4. HCRC# 2003-200-044. Shaded/green areas depict areas surveyed for cultural resources in relation to project areas. Image also shows disturbance from 2002 aerial photographs.

Enclosure to Confederated Tribes and Bands of the Yakama Nation, September 3, 2003 – Project Description (*continued*)

Charlotte Johnson
August 28, 2003
Page 6

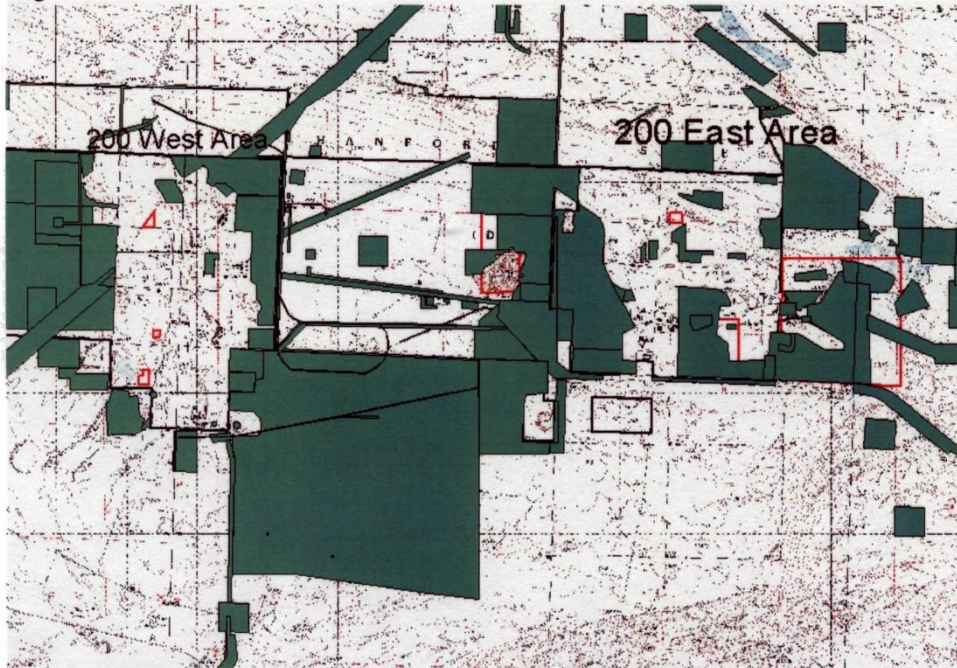


Figure 5. 2003-200-044. Shaded/green areas depict areas previously surveyed for cultural resources in relation to project areas on USGS Topography Quadrangle.

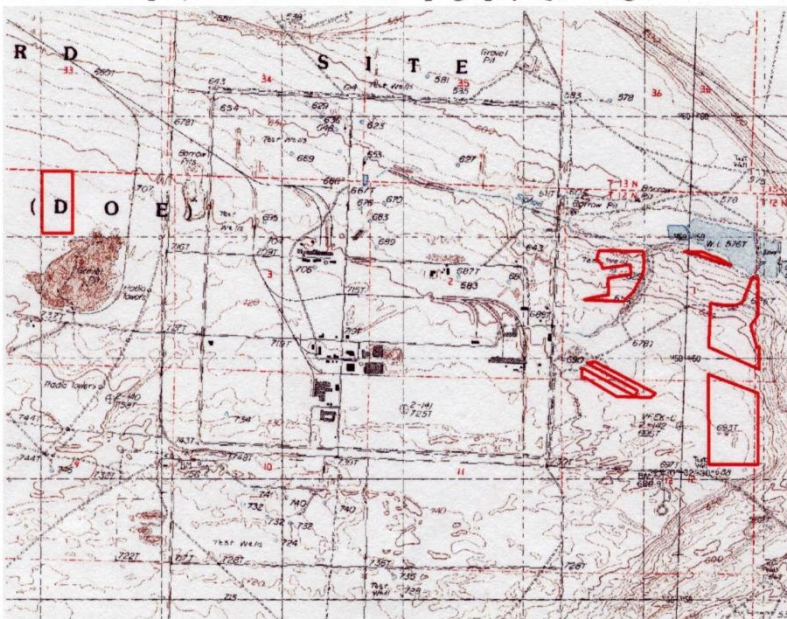


Figure 6. 2003-200-044. Red areas indicate areas surveyed on 8/25/03 and 8/26/03.

**Enclosure to Confederated Tribes and Bands of the Yakama Nation, September 3, 2003 –
Project Description (*continued*)**

Charlotte Johnson
August 28, 2003
Page 7



Figure 7. 2003-200-044. Red areas indicate areas surveyed on 8/25/03 and 8/26/03 overlaid on 2002 aerial photograph.



Figure 8. 2003-200-044. Up close of areas surveyed on 8/25/03 and 8/26/03 west of 200 East Area (overlaid on 2002 aerial photograph).

**Enclosure to Confederated Tribes and Bands of the Yakama Nation, September 3, 2003 –
Project Description (*continued*)**

Charlotte Johnson

August 28, 2003

Page 8



Figure 9. 2003-200-044. Up close of areas surveyed on 8/25/03 and 8/26/03 east of 200 East Area (overlaid on 2002 aerial photograph).

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – November 4, 2004



U.S. Department of Energy
Office of River Protection
P.O. Box 450, MSIN H6-60
Richland, Washington 99352

04-ORP-067

NOV 04 2004

Mr. Russell Jim, Manager
Environmental Restoration/
Waste Management Program
Confederated Tribes and Bands of
the Yakama Indian Nation
P.O. Box 151
Toppenish, Washington 98948

Dear Mr. Jim: *Russell*

INFORMATION REGARDING ONGOING TESTING OF BULK VITRIFICATION

Reference: Confederated Tribes and Bands of the Yakama Indian Nation letter from R. Jim to R. J. Schepens, ORP, dated October 25, 2004.

This is in response to the referenced letter that requested information regarding ongoing testing of the supplemental low-activity waste (LAW) treatment technology called "bulk vitrification." As you are aware, bulk vitrification was identified as a supplemental LAW treatment candidate technology through a rigorous evaluation process conducted by the U.S. Department of Energy (DOE), Office of River Protection (ORP), CH2M HILL Hanford Group, Inc., the State of Washington Department of Ecology (Ecology), and the U.S. Environmental Protection Agency. That process and the subsequent Research, Development, and Demonstration (RD&D) Permit application process provided opportunities for public and Tribal Nation involvement.

As we discussed at our September 13, 2004, meeting, ORP is developing a cleanup approach that better aligns tank waste characteristics with treatment technologies and ultimately allows us to meet our commitment to complete treatment in 2028. Benefits associated with bulk vitrification are: (a) it produces a borosilicate glass waste form with properties believed to be comparable to glass that will be produced in the Waste Treatment and Immobilization Plant (WTP); and (b) it is a technology that has been successfully used with radioactive and hazardous wastes on a commercial scale. Accordingly, our intent is to test the technology with actual Hanford tank waste as a follow-on to successful bench-scale, engineering-scale, and full-scale tests with Hanford tank waste simulants.

Tests with Hanford tank wastes have been conducted at Pacific Northwest National Laboratory (PNNL) and the Savannah River National Laboratory (SRNL) for over a decade for a variety of purposes, including the development of pretreatment and vitrification processes for the WTP. Such testing is consistent with DOE's commitment in the Tank Waste Remediation System Environmental Impact Statement Record of Decision to conduct additional development work for the preferred alternative. The engineering scale test referred to in your letter, which is an example of such testing, was intended to better ensure the efficacy of technologies deployed to treat and immobilize Hanford tank waste. The test was conducted under the treatability study

**CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – November 4, 2004
(continued)**

Mr. R. Jim
04-ORP-067

-2-

NOV 04 2004

provisions set forth in the Resource Conservation and Recovery Act (RCRA), Washington State laws, and Ecology's regulations. The treatability study was conducted pursuant to Washington Administrative Code 173-303-071(3)(r) and (s). Because treatability study samples are excluded from many RCRA requirements, these studies are not covered under the Hanford Site Wide Permit (WA 7890008967).

The SRNL treatability study was performed on sample materials from Hanford Tank AW-101 for the purpose of evaluating processing steps planned for the WTP. As part of the SRNL treatability study, the treatability sample was separated into low-activity and high-level fractions as defined by the 1997 Nuclear Regulatory Commission (NRC) agreement with DOE. The high-activity fraction included solids¹ that were separated from the liquids as well as cesium-137 and technetium-99² that had been removed from the liquids by ion exchange.

Low-activity residues resulting from the SRNL treatability studies were returned to Hanford. Approximately 7 liters of those residue³ liquids were mixed with approximately 110 liters of simulated tank waste for the PNNL treatability tests. Those low-activity materials did not contain detectable solids but did contain 2.9 Ci/m³ of cesium-137 (0.07 % of 10 CFR 61.55 Class C concentration), and 0.0044 Ci/m³ of technetium-99 (0.15 % of 10 CFR 61.55 Class C concentration) at a ~5 molar sodium concentration. Other radionuclides and analytes are reported in the reference reports indicated in the footnotes, which we can provide at your request. PNNL added additional technetium-99 to the mixture in order to achieve a concentration of 0.062 Ci/m³ (~2 % of 10 CFR 61.55 Class C concentration), which was determined to be a suitable concentration for detecting technetium partitioning during the engineering-scale treatability test.

Overall, the treatability sample material had radiological characteristics typically associated with low-level wastes. The radionuclide concentrations were well within concentration limits established in the Hanford Site waste acceptance criteria for on-site burial as well as the criteria set forth in 10 CFR 61.55 for waste disposal licensed by the NRC. The latter are also the criteria used for waste disposal at the U.S. Ecology disposal facility near the 200 East Area licensed by the Washington Department of Health.

¹ WSRC-TR-2002-00530, Revision 0, 2003, *Filtration of a Hanford AW-101 Waste Sample*, Westinghouse Savannah River Company, Aiken, South Carolina. Solids from Hanford Site tank wastes typically contain strontium-90 and transuranic elements along with non-radioactive compounds (e.g., sodium oxalate, sodium nitrate, and metal hydroxides).

² WSRC-TR-2003-00098, Revision 0, 2003, *Multiple Ion Exchange Column Runs for Cesium and Technetium Removal from AW-101 Waste Sample*, Westinghouse Savannah River Company, Aiken, South Carolina.

³ PNNL-14822, Revision 1, 2004, *Waste Simulant Formulation for ES-13 Bulk Vitrification Test*, Pacific Northwest National Laboratory, Richland, Washington.

**CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – November 4, 2004
(continued)**

NOV 04 2004

Mr. R. Jim
04-ORP-067


-3-

The samples used for the October 11, 2004, engineering scale test were not reclassified prior to, during, or after the vitrification experiment. Relative to your other questions regarding waste classification and disposal, we believe it would not be prudent to make final determinations at this time given ongoing litigation to which you are a party. Pending resolution of the Department's current appeal, it is our position that from an environmental and human health perspective, the glass material generated could be suitable for on-site disposal, off-site disposal, or long-term on-site storage based on the outcome of that litigation and follow-on regulatory activities. In the near-term, however, the residue glass will be archived as a reference sample for future tests as with other vitrified residues returned to ORP from treatability tests conducted at SRNL.

As you are aware, we have filed a permit application with Ecology to test bulk vitrification at full-scale using tank wastes. Those tests will be conducted under the RD&D Permit issued by Ecology using Tank S-109 saltcake. As a matter of interest, the cesium-137 concentration in Tank S-109 is less than the concentration requiring ion-exchange pretreatment in the 1997 NRC agreement. Nonetheless, DOE plans to perform initial selective dissolution to further reduce the cesium-137 concentration. The RD&D Permit application was submitted to Ecology on May 10, 2004. On July 26, 2004, Ecology submitted the "Draft Dangerous and/or Mixed Waste Research, Development, and Demonstration Permit (RD&D); Demonstration Bulk Vitrification System," for a forty-five day public review and comment period. As part of this review process, Ecology held a public meeting on August 31, 2004, to accept comments on the draft permit.

We would be pleased to provide additional briefings to you and your staff regarding full-scale bulk vitrification test plans when the RD&D Permit is issued by Ecology and test dates can be finalized. If you have any questions, please contact me, or your staff may call Billie Mauss, (509) 373-5113.

Sincerely,


Roy J. Schepens
Manager

ORP:TEO

cc: L. Hoffman, Ecology
A. Spencer, Yakama Nation
R. Costello, WA Attorney General

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – March 7, 2006



06-ORP-014

U.S. Department of Energy



P.O. Box 450, MSIN H6-60
Richland, Washington 99352

MAR 07 2006

Mr. Phil Rigdon, Director
Natural Resources
Confederated Tribes and Bands of
the Yakama Indian Nation
P.O. Box 151
Toppenish, Washington 98948

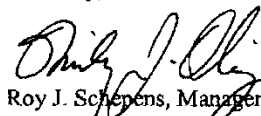
Dear Mr. Rigdon:

TANK CLOSURE AND WASTE MANAGEMENT ENVIRONMENTAL IMPACT
STATEMENT (EIS) MEETINGS WITH THE CONFEDERATED TRIBES AND BANDS OF
THE YAKAMA INDIAN NATION AND THE U.S. DEPARTMENT OF ENERGY, OFFICE
OF RIVER PROTECTION (ORP)

This letter is to follow up on conversations ORP has had with your staff regarding the Tank Closure and Waste Management EIS. ORP would like to thank you for your interest in our offer to have a more focused meeting to discuss this issue, and looks forward to hearing from you or your staff to schedule a time for this meeting. Please note that the TC & WM EIS comment period ends April 10, 2006, and ORP would like to meet with you prior to that date and with enough time to facilitate required staffing of comments.

Enclosed is a copy of the Scoping meeting schedule and contact information for your use. If you have any questions or comments, please contact me, or your staff may contact Mary Beth Burandt, (509) 373-9160.

Sincerely,

for 
Roy J. Schepens, Manager
Office of River Protection

ORP:TEO

Enclosure

cc w/o enclosure:
K. S. Ballinger, Nuvotec
K. V. Clarke, RL
R. Jim, YN
W. Riggsbee, YN

**Enclosure to Confederated Tribes and Bands of the Yakama Nation, March 7, 2006 –
Scoping Meeting Schedule**

SCOPING MEETINGS RESCHEDULED

The Department of Energy Announces Public Scoping Meetings for the Tank Closure and Waste Management Environmental Impact Statement (TC & WM EIS) for the Hanford Site, Richland, Washington

The U.S. Department of Energy (DOE) announced its intent to prepare a new environmental impact statement (EIS) entitled the *Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington* (TC & WM EIS). In addition to the analysis of alternatives that is currently being conducted for the preparation of the EIS for *Retrieval, Treatment and Disposal of Tank Waste and Closure of the Single-Shell Tanks at the Hanford Site, Richland, Washington* (TC EIS), the TC & WM EIS will also address concerns regarding the analyses of Hanford's solid waste management operations conducted for the *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program EIS, Richland, Washington* (HSW EIS). These concerns were the subject of a recent Settlement Agreement among DOE, the Washington State Department of Ecology (Ecology), and the State of Washington Attorney General's office.

To implement the Settlement Agreement, the TC & WM EIS will provide a single, integrated analysis of groundwater at Hanford for all waste types addressed in the HSW EIS and the TC EIS. In order to provide an integrated presentation of currently foreseeable activities related to waste management and cleanup at Hanford, DOE plans to include the ongoing *Fast Flux Test Facility Decommissioning EIS* (FFTF EIS) in the scope of the new TC & WM EIS. Comments previously submitted in response to the 2003 Notice of Intent (NOI) for the TC EIS and the 2004 NOI for the FFTF EIS are being considered and need not be resubmitted.

The scoping meetings previously scheduled for February 21-23 and February 28, 2006 have been cancelled.

DOE will hold the following public scoping meetings to receive oral and written comments on the proposed scope and content of the EIS.

Schedule of Scoping Meetings (new meeting dates and locations)

March 21, 2006 Seattle Center 305 Harrison Street Northwest Rooms Building, Lopez Room Seattle, WA 98109	March 22, 2006 Red Lion Hotel- Portland Convention Center 1021 NE Grand Avenue Marquam/Fremont/Broadway Room Portland, OR 97232	March 23, 2006 Columbia Gorge Hotel 4000 Westcliff Drive Benson Ballroom Hood River, OR 97031	March 28, 2006 Trade, Recreation, and Agricultural Center (TRAC) 6600 Burden Blvd. Meeting Room #4 Pasco, WA 99302
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Preregistration to comment at a scoping meeting is available (but not required) by calling 1-888-829-6347. Registration for the meetings will begin at 6 p.m. There will be an opportunity for informal discussions with DOE project personnel and Ecology staff, followed by brief presentations by DOE and Ecology at 7 p.m. After the presentations, meeting participants will be invited to provide their comments on the scope of the EIS. The meetings are scheduled to end at 10 p.m. If you need special accommodations to attend the meeting, please call the telephone number listed below.

Opportunities to Comment:

The scoping comment period is through April 10, 2006. Mail: Mary Beth Burandt, Document Manager, Office of River Protection,
U.S. Department of Energy, P.O. Box 450, Mail Stop H6-60, Richland, WA 99362
Toll-free Telephone: 888-829-6347 • Fax: 509-376-3661 • E-mail: TC&WMEIS@saic.com

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – April 25, 2006



U.S. Department of Energy
Office of River Protection
P.O. Box 450, MSIN H6-60
Richland, Washington 99352
APR 25 2006

06-ORP-019

Russell Jim, Manager
Environmental Restoration/
Waste Management Program
Yakama Nation
2808 Main Street
Union Gap, Washington 98903

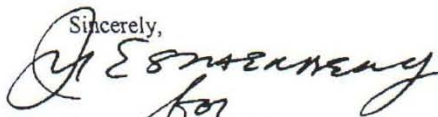
Dear Mr. Jim:

MEETINGS WITH THE YAKAMA NATION (YN) AND THE U.S. DEPARTMENT OF ENERGY, OFFICE OF RIVER PROTECTION (ORP) REGARDING THE TANK CLOSURE AND WASTE MANAGEMENT ENVIRONMENTAL IMPACT STATEMENT (TC & WM EIS)

ORP has made several attempts to set up a dialogue with the YN with regards to the TC & WM EIS. A meeting was scheduled for March 31, 2006, to provide the YN an opportunity to comment on the above document before the end of the comment period on April 10, 2006. This meeting was cancelled by YN on March 30, 2006. Since then, we made several attempts to reschedule this briefing and representatives of the YN have not been available.

YN staff have attended the Hanford Advisory Board Committee of the Whole meeting regarding this TC & WM EIS as well as the Richland Scoping meeting, and provided scoping comments. Unless contacted for a separate meeting, we will assume that the comments provided by your staff, constitutes the government to government interaction the YN are seeking on the TC & WM EIS.

Please let me know if the YN would like to receive a briefing on this document. If you have any questions or comments, please contact me (509) 376-6677.

Sincerely,

Roy J. Schepens, Manager
Office of River Protection

cc: K. S. Ballinger, Nuvotec
K. V. Clarke, RL
P. Rigdon, Yakama Nation

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – January 16, 2007



U.S. Department of Energy
Office of River Protection
P.O. Box 450, MSIN H6-60
Richland, Washington 99352

07-ORP-002

JAN 16 2007

Mr. Russell Jim, Manager
Environmental Restoration/
Waste Management Program
Yakama Nation
2808 Main Street
Union Gap, Washington 98903

Dear Mr. Jim:

**QUARTERLY MEETINGS WITH THE YAKAMA NATION AND THE U.S. DEPARTMENT
OF ENERGY, OFFICE OF RIVER PROTECTION (ORP)**

ORP would like to meet with members of the Yakama Nation and its technical staff on a quarterly basis. We believe a quarterly meeting with the Yakama Nation will better facilitate an ongoing dialogue on issues of interest to both of our organizations and support our mutual cleanup goals.


We look forward to scheduling meetings with you and would like to suggest the following timeframes for the quarterly meetings:

February (week of the 12th)
May (week of the 14th)
August (week of the 13th)
November (week of the 12th)

Please let us know if dates within the suggested timeframes work with you and your staff's schedules. ORP staff will work with you and your staff to put together an agenda prior to each meeting.

If you have any questions or comments, please contact me, or your staff may contact Erik Olds, (509) 372-8656.

Sincerely,


Roy J. Schepens, Manager
Office of River Protection

ORP:TEO

cc: K. S. Ballinger, INNOV
K. V. Clarke, RL

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – February 26, 2007



Department of Energy

Richland Operations Office
P.O. Box 550
Richland, Washington 99352

07-SED-0093

FEB 26 2007

Mr. Russell Jim, Manager
Environmental Restoration/
Waste Management Program
Confederated Tribes and Bands
Of the Yakama Nation
2808 Main Street
Union Gap, Washington 98903

Dear Mr. Jim:

**CULTURAL RESOURCE REVIEW OF THE ARID LANDS ECOLOGY (ALE) RESERVE
BORROW SITE**

The U.S. Department of Energy, Richland Operations Office (RL) thanks you for your July 19, 2006 letter regarding the ALE Reserve Borrow Site. We agree with your suggestion that RL should rescope the Area of Potential Effect (APE), and that effort has begun.

As you are aware, Yakama Environmental Restoration/Waste Management cultural staff has been assisting RL as it considers whether a Determination of Eligibility for Rattlesnake Mountain is appropriate. Based on the rescope APE and the Determination of Eligibility, RL will implement the requirements of Section 106 of the National Historic Preservation Act, which will include consultation with the Yakama Nation and other affected tribes.

Your letter also raised several concerns regarding the National Environmental Policy Act (NEPA). Portions of the ALE reserve borrow site have been analyzed in previous NEPA documents. RL anticipates that either CERCLA analyses that incorporate NEPA values or additional NEPA documentation will also be completed that consider the use of ALE reserve borrow materials.

We look forward to continuing to work with you and your staff as RL strives to complete its clean-up mission.

If you have any questions, please contact Pete J. Garcia, Jr., Director, Safety and Engineering Division, on (509) 372-1909.

Sincerely,

Doug S. Shoop, Assistant Manager
for Safety and Engineering

SED:ALR

cc: P. Rigdon, Deputy Director, YN DNR
YN ERWM Staff
A. Brooks, DAHP/SHPO

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – March 27, 2007

From: Prendergast-Kennedy, Ellen L [mailto:Ellen.Prendergast@pnl.gov]
Sent: Tuesday, March 27, 2007 11:20 AM
To: camille.pleasants@colvilletribes.com; Tera Farrow; julie; StuartHarris; tombailor@ctuir.com; veras@nezperce.org; Michael Sobotta; Daria Jackson; Tony Smith; Lenora Seelatsee; Rex Buck; Jim, Russell; Leah Sue; Dana Miller; Greg Cleveland
Cc: Clarke, Kevin V; Rodriguez, Annabelle L; Prendergast-Kennedy, Ellen L
Subject: FW: Invitation to participate in cultural resources survey for portions of the Area C Borrow Pit Area and the 600 Area for the Tank Closure and Solid Waste EIS/NHPA 106 Compliance

All,

Project: Cultural Resources Survey for portions of the Area C Borrow Pit Area and the 600 Area (between the 200 East and West Area) for the Tank Closure and Solid Waste EIS/NHPA 106 Compliance

Dates: April 3-6, 2007 and April 9-13, 2007. The survey may be completed prior to April 13, 2007, but we would like to keep these two weeks open in case that much time is needed.

Meeting Place: We will be leaving the Sigma 5 Building at 8AM every day. If you would like to make alternative meeting arrangements such as meeting at the Rattlesnake Barricade, please let me know.

As always, come prepared for inclement weather, lots of walking and don't forget to bring lunch and water.

Please call me on 376-4626 or 430-6211 if you would like to participate.

Thanks
Ellen

Ellen P. Kennedy, Anthropologist
Project Manager
Hanford Cultural Resources Project
Pacific Northwest National Laboratory
PO Box 999, MSIN K6-75
Richland, Washington 99352
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CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – April 6, 2007



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

07-SED-0223

APR 6 2007

Mr. Russell Jim, Manager
Environmental Restoration/
Waste Management Program
Confederated Tribes and Bands
of the Yakama Nation
2808 Main Street
Union Gap, Washington 98903

Dear Mr. Jim:

**TRANSMITTAL OF AREA OF POTENTIAL EFFECT (APE) FOR TANK CLOSURE AND
WASTE MANAGEMENT ENVIRONMENTAL IMPACT STATEMENT (TC & WM EIS)
FOR THE HANFORD SITE, RICHLAND, WASHINGTON**

The purpose of this letter is to initiate the National Historic Preservation Act (NHPA) Section 106 process and to provide your office with the APE for the proposed activities under evaluation in the TC & WM EIS “(the project).” This notification is in accordance with 36 CFR Part 800.4(a). The Notice of Intent (NOI) to prepare the Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington which describes the project, was published February 2, 2006 in the Federal Register (Enclosure 1). The project is determined to be an undertaking that may affect historic properties. In accordance with 36 CFR 800.8, the U.S. Department of Energy, Richland Operations Office (RL) plans to coordinate its NHPA Section 106 review with the ongoing EIS process which will consider all aspects of the cultural environment.

The NHPA Section 106 process for “Borrow Area C” was started in coordination with the Hanford Site Solid Waste EIS (HSW EIS). The RL received feedback at that time indicating that other areas should be considered in the APE, including Rattlesnake Mountain and its viewshed. RL subsequently decided to consolidate several proposed actions into the scope of the TC & WM EIS as described in the NOI. The APE is based on the TC & WM NOI, and includes areas with auditory or visual effects (Enclosure 2, maps and figures).

The regulations for protection of historic properties, at 36 CFR 800.4(b)(2), allow for a phased approach for the identification and evaluation of historic properties. The alternatives under consideration consist of multiple large land areas and RL may use a phased approach to identify and evaluate historic properties. For example, a February 2006 cultural resource review (HCRC# 2006-600-008) was prepared for a portion of “Borrow Area C.” This project is proceeding under a Comprehensive Environmental Response, Compensation, and Liability Act review which incorporates National Environmental Policy Act values. Based on comments received, RL plans to prepare a Memorandum of Agreement for and will provide a draft to your office and the State Historic Preservation Officer for review.

**CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – April 6, 2007
(continued)**

Mr. Russell Jim
07-SED-0223


-2-

APR 6 2007

Rattlesnake Mountain, Gable Butte, Gable Mountain, and Goose Egg Hill are known to be revered by area tribes for traditional, cultural and spiritual reasons and have been treated by RL as traditional cultural properties. Surveys, are being planned for the first and second weeks of April 2007. Tribal cultural representatives from your staff have been invited to participate in the surveys.

If you have any questions, please contact Pete J. Garcia, Jr., Director, Safety and Engineering Division, on (509) 372-1909.

Sincerely,


Doug S. Shoop, Assistant Manager
for Safety and Engineering

SED:ALR

Enclosures

1. Federal Register, Vol 71, No. 22
2. Maps and Viewshed Photos

cc w/encls:

L. Aleck, YN
G. Cleveland, YN
D. Miller, YN

cc w/o encls:

E. P. Kennedy, PNNL

**Enclosure 1 to Confederated Tribes and Bands of the Yakama Nation, April 6, 2007 –
Notice of Intent**

ENCLOSURE 1

**FEDERAL REGISTER
VOL 71, NO. 22
THURSDAY, FEBRUARY 2, 2006**

**DEPARTMENT OF ENERGY
NOTICE OF INTENT TO PREPARE THE
TANK CLOSURE AND WASTE MANAGEMENT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE
HANFORD SITE, RICHLAND, WASHINGTON**

Enclosure 1 to Confederated Tribes and Bands of the Yakama Nation, April 6, 2007 – Notice of Intent (continued)

Federal Register / Vol. 71, No. 22 / Thursday, February 2, 2006 / Notices

5655

addressed as follows: Office of Electricity Delivery & Energy Reliability (Mail Code OE-20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0350 (FAX 202-586-5860).

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202-586-9624 or Michael Skinker (Program Attorney) 202-586-2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On December 14, 2005, the Department of Energy (DOE) received an application from MAG E.S. to transmit electric energy from the United States to Canada. MAG E.S. is a Canadian corporation with its principal place of business in Montreal, Quebec. MAG E.S. has requested an electricity export authorization with a 5-year term. MAG E.S. does not own or control any transmission or distribution assets, nor does it have a franchised service area. The electric energy which MAG E.S. proposes to export to Canada would be purchased from electric utilities and Federal power marketing agencies within the U.S.

MAG E.S. will arrange for the delivery of exports to Canada over the international transmission facilities owned by Basin Electric Power Cooperative, Booneville Power Administration, Eastern Maine Electric Cooperative, International Transmission Co., Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power, Inc., Minnkota Power Cooperative, Inc., New York Power Authority, Niagara Mohawk Power Corp., Northern States Power Company and Vermont Electric Transmission Co.

The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by MAG E.S. has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed

with DOE on or before the date listed above.

Comments on the MAG E.S. application to export electric energy to Canada should be clearly marked with Docket EA-306. Additional copies are to be filed directly with Martin Gauthier, Director, MAG E.S. Energy Solutions Inc., 486 Ste-Catherine W, #402, Montreal, QC, Canada H3B 1A6.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the program's Home Page at <http://www.electricity.doe.gov>. Upon reaching the Home page, select "Divisions," then "Permitting Siting & Analysis," then "Electricity Imports/Exports," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on January 26, 2006.

Anthony J. Como,
Director, Permitting and Siting, Office of
Electricity Delivery and Energy Reliability.
[FR Doc. E8-1392 Filed 2-1-06; 8:45 am]
BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Notice of Intent To Prepare the Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, WA

AGENCY: Department of Energy.
ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) announces its intent to prepare a new environmental impact statement (EIS) for its Hanford Site (Hanford) near Richland, Washington, pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations at 40 CFR Parts 1500-1508 and 10 CFR Part 1021. The new EIS, to be titled the *Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington* (TC & WM EIS), will implement a Settlement Agreement announced on January 9, 2006, among DOE, the Washington State Department of Ecology (Ecology) and the State of Washington Attorney General's office. The Agreement serves as settlement of

NEPA claims in the case *State of Washington v. Bodman* (Civil No. 2:03-cv-05018-AAM), which addressed the *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program EIS, Richland, Washington* (HSW EIS, DOE/EIS-0286, January 2004).

Ecology will continue its role as a Cooperating Agency in the preparation of the TC & WM EIS. Ecology already was acting in that capacity during the ongoing preparation of the *EIS for Retrieval, Treatment and Disposal of Tank Waste and Closure of the Single-Shell Tanks at the Hanford Site, Richland, Washington* (TC EIS, DOE/EIS-0356, Notice of Intent [NOI] at 68 FR 1052, January 8, 2003). The TC & WM EIS will revise, update and reanalyze groundwater impacts previously addressed in the HSW EIS. That is, the TC & WM EIS will provide a single, integrated analysis of groundwater at Hanford for all waste types addressed in the HSW EIS and the TC EIS. As a result, the TC & WM EIS will include a reanalysis of onsite disposal alternatives for Hanford's low-level radioactive waste (LLW) and mixed low-level radioactive waste (MLLW) and LLW and MLLW from other DOE sites. The TC & WM EIS will revise and update other potential impact areas previously addressed in the HSW EIS as appropriate. Finally, the TC & WM EIS will incorporate existing analyses from the HSW EIS that do not affect and are not directly affected by the waste disposal alternatives after review or revision as appropriate. DOE will continue its ongoing analysis of alternatives for the retrieval, treatment, storage, and disposal of underground tank wastes and closure of underground single-shell tanks (SST). In addition, DOE plans to include the ongoing *Fast Flux Test Facility Decommissioning EIS* (FFTF EIS, DOE/EIS-0364, NOI at 69 FR 50178, August 13, 2004) in the scope of the new TC & WM EIS, in order to provide an integrated presentation of currently foreseeable activities related to waste management and cleanup at Hanford.

In accordance with the Settlement Agreement, DOE will not ship offsite waste to Hanford for storage, processing, or disposal until a Record of Decision (ROD) is issued pursuant to the TC & WM EIS, except under certain limited exemptions as provided in the Settlement Agreement.

DOE is soliciting comments on the proposed scope of the new TC & WM EIS. Comments previously submitted in response to the 2003 NOI for the TC EIS and the 2004 NOI for the FFTF EIS are being considered and need not be resubmitted.

Enclosure 1 to Confederated Tribes and Bands of the Yakama Nation, April 6, 2007 – Notice of Intent (continued)

5656

Federal Register / Vol. 71, No. 22 / Thursday, February 2, 2006 / Notices

DATES: DOE invites Federal agencies, American Indian tribal nations, state and local governments, and the public to comment on the scope of the planned TC & WM EIS. DOE will consider all comments received by March 6, 2006, as well as comments received after that date to the extent practicable. DOE plans to hold public meetings at the following locations:

Hood River, Oregon; February 21, 2006.

Portland, Oregon; February 22, 2006.

Seattle, Washington; February 23, 2006.

Richland, Washington, February 28, 2006.

The public meetings will address the scope of the planned TC & WM EIS. DOE will provide additional notification of the meeting times and locations through newspaper advertisements and other appropriate media.

ADDRESSES: To submit comments on the scope of the TC & WM EIS or to request copies of the references listed herein, including references listed in Appendix A, contact: Mary Beth Burandt, Document Manager, Office of River Protection, U.S. Department of Energy, Post Office Box 450, Mail Stop H6-60, Richland, WA 99352. Electronic mail: TC&WMEIS@saic.com. Fax: 509-376-3661. Telephone and voice mail: 509-373-9160.

FOR FURTHER INFORMATION CONTACT: For information on DOE's NEPA process, contact: Carol Borgstrom, Director, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone 202-586-4600, or leave a message at 1-800-472-2756.

This NOI will be available on DOE's NEPA Web site at <http://www.eh.doe.gov/nepa> and the TC & WM EIS Web site at <http://www.hanford.gov/orp/> (click on Public Involvement).

SUPPLEMENTARY INFORMATION:

I. Background

The Hanford Site is located in southeastern Washington State along the Columbia River, and is approximately 586 square miles in size. Hanford's mission included defense-related nuclear research, development, and weapons production activities from the early 1940s to approximately 1989. During that period, Hanford operated a plutonium production complex with nine nuclear reactors and associated processing facilities. These activities created a wide variety of chemical and radioactive wastes. Hanford's mission now is focused on the cleanup of those wastes and ultimate closure of Hanford.

To this end, DOE manages several types of radioactive wastes at Hanford: (1) High-level radioactive waste (HLW) as defined under the Nuclear Waste Policy Act [42 U.S.C. 10101]; (2) transuranic (TRU) waste, which is waste containing alpha-particle-emitting radionuclides with atomic numbers greater than uranium (i.e., 92) and half-lives greater than 20 years in concentrations greater than 100 nanocuries per gram of waste; (3) LLW, which is radioactive waste that is neither HLW nor TRU waste; and (4) MLLW, which is LLW containing hazardous constituents as defined under the Resource Conservation and Recovery Act of 1976 (RCRA, 42 U.S.C. 6901 *et seq.*).

At present, DOE is constructing a Waste Treatment Plant (WTP) in the 200-East Area of the site. The WTP will separate waste stored in Hanford's underground tanks into HLW and low-activity waste (LAW) fractions. HLW will be treated in the WTP and stored at Hanford until it can be shipped to the proposed repository at Yucca Mountain, Nevada. Immobilized LAW waste would be treated in the WTP and disposed of at Hanford as decided in the ROD issued in 1997 (62 FR 8693), pursuant to the *Tank Waste Remediation System, Hanford Site, Richland, Washington, Final EIS* (TWRS EIS, DOE/EIS-0189, August 1996). DOE is processing Hanford's contact-handled TRU waste (which does not require special protective shielding) for shipment to the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico, consistent with the 1998 RODs (63 FR 3624 and 63 FR 3629) for treatment and disposal of TRU waste under the *Final Waste Management Programmatic EIS for Managing Treatment, Storage, and Disposal of Radioactive and Hazardous Waste* (WM PEIS, DOE/EIS-0200) and the *Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement* (WIPP SEIS-II, DOE/EIS-0026-S-2, September 1997). DOE is disposing of Hanford's LLW and MLLW onsite, consistent with the ROD for treatment and disposal of these wastes under the WM PEIS (65 FR 10061). This ROD also designates Hanford as a regional disposal site for LLW and MLLW from other DOE sites.

In January 2003, DOE issued an NOI (68 FR 1052) to prepare the TC EIS (DOE/EIS-0356). The proposed scope of the TC EIS included closure of the 149 underground SSTs and newly available information on supplemental treatment for the LAW from all 177 tanks, which contain a total of approximately 53 million gallons of waste.

In March 2003, Ecology initiated litigation on issues related to

importation, treatment, and disposal of radioactive and hazardous waste generated offsite as a result of nuclear defense and research activities. The Court enjoined shipment of offsite TRU waste to Hanford for processing and storage pending shipment to WIPP.

In January 2004, DOE issued the HSW EIS and a ROD (69 FR 39449), which addressed ongoing solid waste management operations, and announced DOE's decision to dispose of Hanford and a limited volume of offsite LLW and MLLW in a new Integrated Disposal Facility in the 200-East Area of Hanford. DOE also decided to continue sending Hanford's MLLW offsite for treatment and to modify Hanford's T-Plant for processing remote-handled TRU waste and MLLW (which require protective shielding).

Ecology amended its March 2003 complaint in 2004, challenging the adequacy of the HSW EIS analysis of offsite waste importation. In May 2005, the Court granted a limited discovery period, continuing the injunction against shipping offsite wastes to Hanford, including LLW and MLLW (*State of Washington v. Bodman* [Civil No. 2:03-cv-05018-AAM]). In July 2005, while preparing responses to discovery requests from Ecology, Battelle Memorial Institute, DOE's contractor who assisted in preparing the HSW EIS, advised DOE of several differences in groundwater analyses between the HSW EIS and its underlying data.

DOE promptly notified the Court and the State and, in September 2005, convened a team of DOE experts in quality assurance and groundwater analysis, as well as transportation and human health and safety impacts analysis, to conduct a quality assurance review of the HSW EIS. The team completed its *Report of the Review of the Hanford Solid Waste Environmental Impact Statement (EIS) Data Quality, Control and Management Issues*, January 2006 (hereafter referred to as the Quality Review).

Because both Ecology and DOE have a shared interest in the effective cleanup of Hanford, DOE and Ecology announced a Settlement Agreement ending the NEPA litigation on January 9, 2006. The Agreement is intended to resolve Ecology's concerns about HSW EIS groundwater analyses and to address other concerns about the HSW EIS, including those identified in the Quality Review.

The Agreement calls for an expansion of the TC EIS to provide a single, integrated set of analyses that will include all waste types analyzed in the HSW EIS (LLW, MLLW, and TRU

Enclosure 1 to Confederated Tribes and Bands of the Yakama Nation, April 6, 2007 –
Notice of Intent (*continued*)

Federal Register / Vol. 71, No. 22 / Thursday, February 2, 2006 / Notices

5657

waste). The expanded EIS will be renamed the TC & WM EIS. Pending finalization of the TC & WM EIS, the HSW EIS will remain in effect to support ongoing waste management activities at Hanford (including transportation of TRU waste to WIPP) in accordance with applicable regulatory requirements. The Agreement also stipulates that when the TC & WM EIS has been completed, it will supersede the HSW EIS. Until that time, DOE will not rely on HSW EIS groundwater analyses for decision-making, and DOE will not import offsite waste to Hanford, with certain limited exemptions as specified in the Agreement.

DOE and Ecology have mutual responsibilities for accomplishing cleanup of Hanford, as well as continuing ongoing waste management activities consistent with applicable Federal and state laws and regulations. *The Hanford Federal Facility Agreement and Consent Order* (also called the Tri-Party Agreement (TPA)) among the state, DOE, and the U.S. Environmental Protection Agency (EPA) contains various enforceable milestones that apply to waste management activities. DOE also is required to comply with applicable requirements of RCRA and the state's Hazardous Waste Management Act of 1976 as amended (Chapter 70.105 Revised Code of Washington). To carry out proposals for future actions and obtain necessary permits, each agency must comply with the applicable provisions of NEPA and the Washington State Environmental Policy Act (SEPA) respectively. The agencies have revised their Memorandum of Understanding for the TC EIS (effective March 25, 2003), which identified Ecology as a Cooperating Agency in the preparation of the TC EIS. The Memorandum of Understanding revision is consistent with the Settlement Agreement and provides for Ecology's continuing participation as a Cooperating Agency in preparation of the TC & WM EIS to assist both agencies in meeting their respective responsibilities under NEPA and SEPA.

II. Purpose and Need for Action

Recognizing the potential risks to human health and the environment from Hanford tank wastes, DOE needs to retrieve waste from the 149 SSTs and 28 double-shell tanks (DST), treat and dispose of the waste, and close the SST farms in a manner that complies with Federal and Washington State requirements. Some waste from tanks and LLW and MLLW from Hanford and other DOE sites that do not have appropriate facilities must be disposed

of to facilitate cleanup of Hanford and these sites.

III. Proposed Action

DOE proposes to retrieve and treat waste from 177 underground tanks and ancillary equipment and dispose of this waste in compliance with applicable regulatory requirements. Vitrified HLW waste would be stored onsite until it can be disposed of in the proposed repository at Yucca Mountain. DOE proposes to provide additional treatment capacity for the tank LAW that can supplement the planned WTP capacity in fulfillment of DOE's obligations under the TPA in as timely a manner as possible. DOE would dispose of Hanford's immobilized LAW, LLW and MLLW, and LLW and MLLW from other DOE sites, in lined trenches onsite. These trenches would be closed in accordance with applicable regulatory requirements.

DOE also proposes to complete the final decontamination and decommissioning of the FFTF. DOE decided, in January 2001, (ROD at 66 FR 7877) that the permanent closure of FFTF was to be resumed with no new missions, based on the *Final Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility (DOE/EIS-0310, December 2000)*.

IV. Proposed Scope of the TC & WM EIS

In accordance with the Settlement Agreement, DOE intends to prepare a single, comprehensive EIS addressing tank waste retrieval, treatment, storage, and disposal; tank closure; and management of all waste types analyzed in the HSW EIS as an integrated document for public and agency review and reference. The TC & WM EIS will update, revise, or reanalyze resource areas (such as groundwater and transportation) from the HSW EIS as necessary to make them current and reflect the waste inventories and analytical assumptions being used for environmental impact assessment in the TC & WM EIS. All updated analyses would be included in the revised quantitative groundwater and other cumulative impact analyses in the TC & WM EIS.

The proposed scope of the TC & WM EIS includes alternatives for onsite disposal of LLW, MLLW, and LAW; transportation of offsite LLW and MLLW to Hanford for disposal; and current or revised information for ongoing operations, such as those involving Hanford's Central Waste

Complex, that were included in the HSW EIS.

DOE proposes to retain all of the scope identified in the 2003 NOI for the TC EIS as modified by public scoping comments. Proposed modifications to the alternatives identified in the 2003 NOI are provided in Section VI. That is, the new TC & WM EIS would address management of the approximately 53 million gallons of waste stored in 149 underground SSTs (ranging in capacity from approximately 55,000 to 1 million gallons) and 28 underground DSTs (ranging in capacity from approximately 1 to 1.16 million gallons) grouped in 18 tank farms, and approximately 60 smaller miscellaneous underground storage tanks, along with ancillary equipment.

DOE proposes to retain all of the scope identified in its August 2004 NOI to evaluate alternatives for the final disposition of the FFTF and proposes to integrate that scope into the TC & WM EIS. The TC & WM EIS will thus provide an integrated presentation of currently foreseeable activities related to waste management and cleanup at Hanford.

V. Potential Decisions To Be Made

DOE plans to make decisions on the following topics.

- *Retrieval of Tank Waste*—A reasonable waste retrieval range is comprised of three levels: 90 percent, 99 percent, and 99.9 percent. The 99 percent retrieval is the goal established by the TPA (Milestone M-45-00); 90 percent retrieval evaluates a risk analysis of the tank farms as defined in the M-45-00, Appendix H, process; and 99.9 percent retrieval reflects uses of multiple retrieval technologies to support clean closure of the tank farms.

- *Treatment of Tank Waste*—WTP waste treatment capability can be augmented by supplemental treatment technologies and constructing new treatment facilities that are part of, or separate from, the WTP. The two primary choices that could fulfill DOE's TPA commitments are to treat all waste in an expanded WTP or provide supplemental treatment to be used in conjunction with, but separate from, the WTP. DOE has conducted preliminary tests on three supplemental treatment technologies—cast stone (a form of grout), steam reforming, and bulk vitrification—to determine if one or more could be used to provide the additional, supplemental waste treatment capability needed to complete waste treatment.

- *Disposal of Treated Tank Waste*—Onsite disposal includes treated tank waste such as immobilized LAW and

Enclosure 1 to Confederated Tribes and Bands of the Yakama Nation, April 6, 2007 – Notice of Intent (*continued*)

5658

Federal Register / Vol. 71, No. 22 / Thursday, February 2, 2006 / Notices

waste generated from closure activities that meets onsite disposal criteria; the decision to be made involves the onsite location of disposal facilities. Decisions to be made related to offsite disposal include the length of time and facilities required for storage of immobilized high-level radioactive waste (IHLW) prior to disposal at the proposed Yucca Mountain repository.

- *Storage of Tank Waste*—Depending on the alternative being analyzed, storing tank waste for different lengths of time may be necessary. This may require the construction, operation, and deactivation of waste transfer infrastructures, including waste receiver facilities (below-grade lag storage and minimal waste treatment facilities), waste transfer line upgrades, and new or replacement DSTs. Also depending on the alternative, construction and operation of additional immobilized HLW storage vaults, melter pads, and TRU waste storage facilities needed to store treated tank waste.

- *Closure of SSTs*—Decisions to be made include closing the SSTs by clean closure, selective clean closure/landfill closure, and landfill closure with or without any soil contamination removal. Decisions regarding barriers (engineered modified RCRA Subtitle C barrier or Hanford barrier) to prevent water intrusion will be made. A closure configuration for the original 28 DSTs will be evaluated in the TC & WM EIS for engineering reasons related to barrier placement for the SSTs. This evaluation also is provided to aid Ecology in evaluating the impacts which might result in closing DSTs to a debris rule standard. However, DOE is deferring a decision on closure of DSTs and decommissioning of the WTP until a later date when the mission for those facilities is nearing completion.

- *Disposal of Hanford's and DOE Offsite LLW and MLLW*—The decision to be made concerns the onsite location of disposal facilities for Hanford's waste and other DOE sites' LLW and MLLW. DOE committed in the HSW EIS ROD that henceforth LLW would be disposed of in lined trenches. Thus, the decision would concern whether to dispose of the waste in the 200-West Area or at the Integrated Disposal Facility in the 200-East Area.

- *Final Decontamination and Decommissioning of the FFTF*—The decision would identify the final end state for the above-ground, below-ground, and ancillary support structures.

VI. Potential Range of Alternatives

Six alternatives were originally proposed for TC EIS and are listed

below. The initial scope of the TC EIS was provided in the January 2003 NOI and at each public scoping meeting.

- No Action Alternative, which was to implement the 1997 TWRS EIS ROD;
- Implement the 1997 TWRS EIS ROD with Modifications;
- Landfill Closure of Tank Farms/Onsite and Offsite Waste Disposal;
- Clean Closure of Tank Farms/Onsite and Offsite Waste Disposal;
- Accelerated Landfill Closure/Onsite and Offsite Waste Disposal; and
- Landfill Closure/Onsite and Offsite Waste Disposal.

Onsite disposal would include immobilized LAW, LLW, and MLLW resulting from tank retrieval and treatment. Offsite disposal of HLW would occur at Yucca Mountain. No determination has been made as to whether any of the tanks contain TRU waste. If it is determined that any tank waste is TRU waste, offsite disposal at WIPP would be appropriate, provided the required approvals from EPA and the New Mexico Environment Department were obtained.

As a result of the 2003 scoping for the TC EIS, a number of changes are being made to those identified in the NOI. The major changes are:

- The No Action Alternative was modified to address a traditional "no action" rather than the action from the TWRS EIS ROD;
- The alternative addressing implementation of the 1997 TWRS EIS ROD was modified to address both the currently planned vitrification capacity and the currently planned capacity supplemented with additional vitrification capacity as the supplemental treatment;
- A partial tank removal option was added, which analyzes leaving some of the SSTs in place and exhuming the SSTs completely in the SX and BX tank farms;
- The Landfill Closure of Tank Farms/Onsite and Offsite Waste Disposal Alternative has been modified to more clearly evaluate the No Separations (of HLW and LAW waste) with Onsite Storage and Offsite Disposal Alternative; and
- A suboption has been added to both the All Vitrification with Separations and All Vitrification/No Separations (of HLW and LAW waste) Alternatives to address closure of the cribs and trenches proximal to tanks within identified waste management areas in place as opposed to removing them.

For Hanford and offsite LLW and MLLW analyzed in the HSW EIS, DOE proposes to simplify the alternatives. Both waste types would be disposed of in lined trenches. DOE plans to update

the volumes to be disposed of, approximating those volumes for offsite waste in the 2004 HSW EIS ROD, and to update the waste information. DOE also intends to update the transportation analysis of shipping offsite waste to Hanford for disposal. The onsite disposal alternatives are:

- Construction of a new disposal facility in the 200-West Area burial grounds; and
 - Construction of new LLW and MLLW capacity in the Integrated Disposal Facility in the 200-East Area.
- For the FFTF, the 2004 NOI identified three alternatives as listed below.
- No Action—actions consistent with previous DOE NEPA decisions would be completed; final decommissioning would not occur.
 - Entombment—above-ground structures would be decontaminated and dismantled, below-ground structures would be grouted and left in place.
 - Removal—above-ground structures would be decontaminated and dismantled, below-ground structures would be removed and disposed of at Hanford.

VII. Potential Environmental Issues for Analysis

The following issues have been tentatively identified for analysis in the TC & WM EIS. This list is presented to facilitate comment on the scope of the TC & WM EIS, but is not intended to be all-inclusive or to predetermine potential impacts of any alternative.

- Effects on the public and onsite workers of radiological and nonradiological material releases during normal operations and reasonably foreseeable accidents;
- Long-term risks to human populations resulting from waste disposal and residual tank system wastes;
- Effects on air and water quality of normal operations and reasonably foreseeable accidents, including long-term impacts on groundwater;
- Cumulative effects, including impacts of other past, present, and reasonably foreseeable actions at Hanford, including past discharges to cribs and trenches, groundwater remediation activities, activities subject to TPA requirements and cleanup activities under the Comprehensive Environmental Response, Compensation, and Liability Act;
- Effects on endangered species, archaeological/cultural/historical sites, floodplains and wetlands, and priority habitat;
- Effects of on- and offsite transportation and of reasonably

Enclosure 1 to Confederated Tribes and Bands of the Yakama Nation, April 6, 2007 – Notice of Intent (continued)

Federal Register / Vol. 71, No. 22 / Thursday, February 2, 2006 / Notices

5659

foreseeable transportation accidents;
and

- Socioeconomic impacts on surrounding communities.

VIII. Public Scoping

DOE invites Federal agencies, American Indian tribal nations, state and local governments, and the general public to comment on the scope of the planned TC & WM EIS. Information on the scoping comment period is provided in the DATES section above. Comments previously submitted in response to the 2003 NOI for the TC EIS and the 2004 NOI for the FFTF EIS are being considered and need not be resubmitted.

Issued in Washington, DC, on January 30, 2006.

John Spitaleri Shaw,
Assistant Secretary for Environment, Safety and Health.

Appendix A—Related National Environmental Policy Act Documents

45 FR 46155, 1980, "Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

53 FR 12449, 1988, "Disposal of Hanford Defense High-Level, Transuranic, and Tank Wastes, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

60 FR 28680, 1995, "Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Program, Part III; Record of Decision," **Federal Register**.

60 FR 54221, 1995, "Final Environmental Impact Statement for the Safe Interim Storage of Hanford Tank Wastes at the Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

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Enclosure 1 to Confederated Tribes and Bands of the Yakama Nation, April 6, 2007 – Notice of Intent (continued)

5660

Federal Register / Vol. 71, No. 22 / Thursday, February 2, 2006 / Notices

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[FR Doc. E6–1404 Filed 2–1–06; 8:45 am]

BILLING CODE 5450–01–P

DEPARTMENT OF ENERGY

Considerations for Transmission Congestion Study and Designation of National Interest Electric Transmission Corridors

AGENCY: Office of Electricity Delivery and Energy Reliability (“OE”), Department of Energy.

ACTION: Notice of inquiry requesting comment and providing notice of a technical conference.

SUMMARY: The Department of Energy (the “Department”) seeks comment and information from the public concerning its plans for an electricity transmission congestion study and possible designation of National Interest Electric Transmission Corridors (“NIETCs”) in a report based on the study pursuant to section 1221(a) of the Energy Policy Act of 2005. Through this notice of inquiry, the Department invites comment on draft criteria for gauging the suitability of geographic areas as NIETCs and announces a public technical conference concerning the criteria for evaluation of candidate areas as NIETCs.

DATES: Written comments may be filed electronically in MS Word and PDF formats by e-mailing to: EPACT1221@hq.doe.gov no later than 5 p.m. EDT March 6, 2006. Also, comments can be filed by mail at the address listed below. The technical conference will be held in Chicago on March 29, 2006. For further information, please visit the Department’s Web site at <http://www.electricity.doe.gov/1221>.

ADDRESSES: Written comments via mail should be submitted to:

Office of Electricity Delivery and Energy Reliability, OE–20, Attention: EPACT 1221 Comments, U.S. Department of Energy, Forrestal Building, Room 6H–050, 1000 Independence Avenue, SW., Washington, DC 20585.

Note: U.S. Postal Service mail sent to the Department continues to be delayed by several weeks due to security screening.

Electronic submission is therefore encouraged. Copies of written comments received and other relevant documents and information may be reviewed at <http://www.electricity.doe.gov/1221>.

FOR FURTHER INFORMATION CONTACT: Ms. Poonum Agrawal, Office of Electricity Delivery and Energy Reliability, OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–1411, poonum.agrawal@hq.doe.gov, or Lot Cooke, Office of the General Counsel, GC–76, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–0503, lot.cooke@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

I. Background

A. Overview

The Nation’s electric system includes over 150,000 miles of interconnected high-voltage transmission lines that link generators to load centers.¹ The electric system has been built by electric utilities over a period of 100 years, primarily to serve local customers and support reliability; the system generally was not constructed with a primary emphasis on moving large amounts of power across multi-state regions.² Due to a doubling of electricity demand and generation over the past three decades and the advent of wholesale electricity markets, transfers of large amounts of electricity across the grid have increased significantly in recent years. The increase in regional electricity transfers saves electricity consumers billions of dollars,³ but significantly increases transmission facility loading.

Investment in new transmission facilities has not kept pace with the increasing economic and operational importance of transmission service.⁴ Today, congestion in the transmission system impedes economically efficient electricity transactions and in some cases threatens the system’s safe and reliable operation.⁵ The Department has estimated that this congestion costs consumers several billion dollars per year by forcing wholesale electricity purchasers to buy from higher-cost suppliers.⁶ That estimate did not

¹ North American Electric Reliability Council, *Electricity Supply and Demand Database* (2003) available at <http://www.nerc.com/esd>.

² Edison Electric Institute, *Survey of Transmission Investment* at 1 (May 2005).

³ Department of Energy, *National Transmission Grid Study*, at 19 (May 2002) available at <http://www.eh.doe.gov/ntgs/reports.html>.

⁴ *Id.* at 7; see also Hirst, U.S. Transmission Capacity Present Status and Future Prospects, 7 (June 2004).

⁵ *National Transmission Grid Study*, *supra* note 3, at 10–20.

⁶ *Id.* at 16–18.

include the reliability costs associated with such bottlenecks.

The National Energy Policy (May 2001),⁷ the Department’s National Transmission Grid Study (May 2002),⁸ and the Secretary of Energy’s Electricity Advisory Board’s Transmission Grid Solutions Report (September 2002),⁹ recommended that the Department address regulatory obstacles in the planning and construction of electric transmission and distribution lines. In response to these recommendations, the Department held a “Workshop on Designation of National Interest Electric Transmission Bottlenecks” on July 14, 2004, in Salt Lake City, Utah. The Department also issued a Federal Register notice of inquiry on July 22, 2004.¹⁰ The purpose of the workshop and the notice of inquiry was to learn stakeholders’ views concerning transmission bottlenecks, identify how designation of such bottlenecks may benefit the users of the grid and electricity consumers, and recognize key bottlenecks. In its plans for implementation of subsection 1221(a), the Department notes that it has considered the comments received via the notice and the workshop.

B. Summary of Relevant Provisions From the Statute

On August 8, 2005, the President signed into law the Energy Policy Act of 2005, Public Law 109–58, (the “Act”). Title XII of the Act, entitled “The Electricity Modernization Act of 2005” includes provisions relating to the siting of interstate electric transmission facilities and promoting advanced power system technologies. Subsection 1221(a) of the Act amends the Federal Power Act (“FPA”) by adding a new section 216 which requires the Secretary of Energy (the “Secretary”) to conduct a nationwide study of electric transmission congestion (“congestion study”), and issue a report based on the study in which the Secretary may designate “any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects

⁷ *The National Energy Policy Development Group Report*, available at http://www.energy.gov/engine/content.do?BT_CODE=ADAP.

⁸ *National Transmission Grid Study*, *supra* note 3.

⁹ Department of Energy Electricity Advisory Board, *Transmission Grid Solutions*, available at <http://www.eab.energy.gov/index.cfm?fuseaction=home.publications>.

¹⁰ Designation of National Interest Electric Transmission Bottlenecks, 69 FR 43833 (July 22, 2004) also available at <http://www.electricity.doe.gov/bottlenecks>.

**Enclosure 2 to Confederated Tribes and Bands of the Yakama Nation, April 6, 2007 –
Maps/Photos**

ENCLOSURE 2

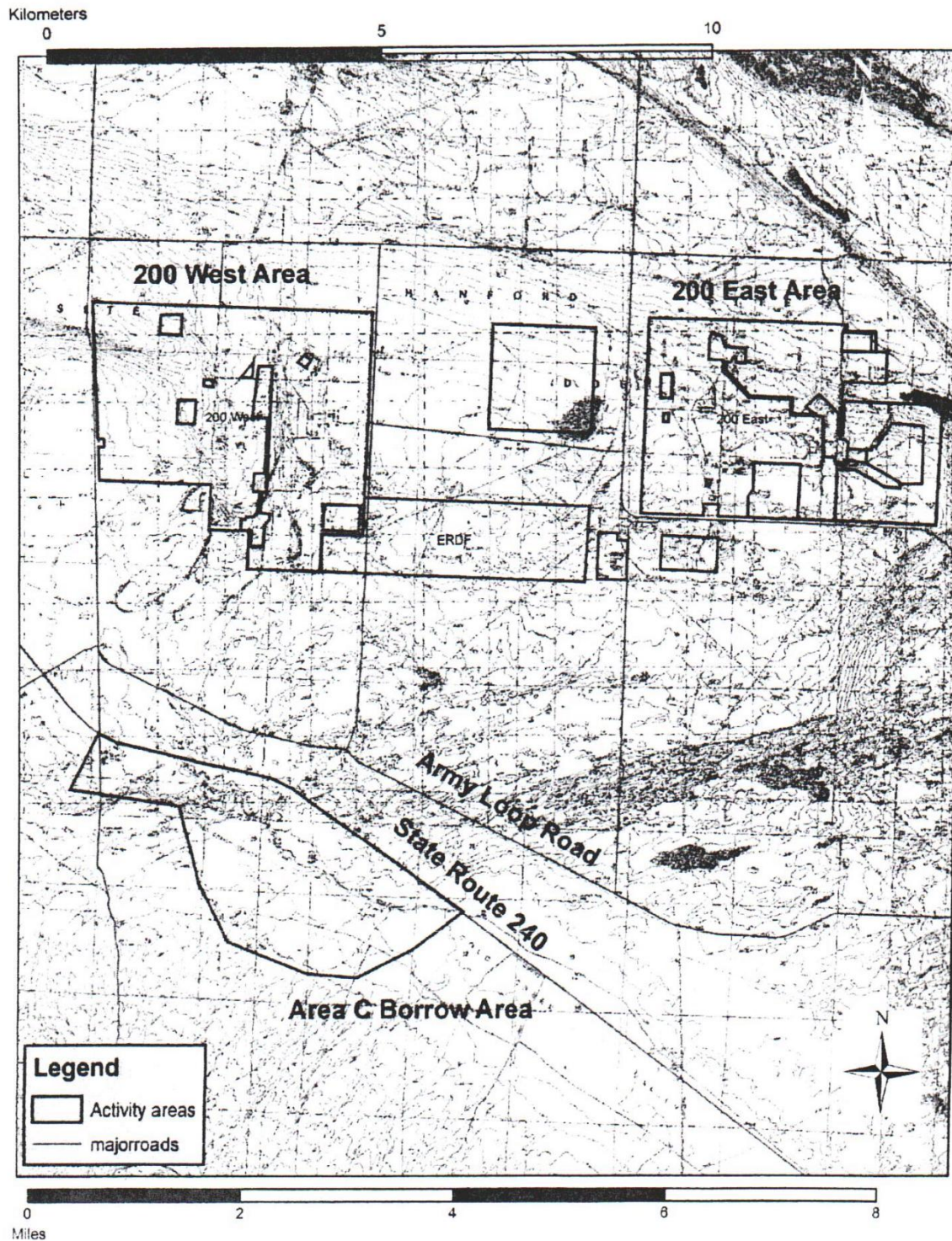
**MAPS AND VIEWSHED PHOTOS
FOR THE
TANK CLOSURE AND WASTE MANAGEMENT
ENVIRONMENTAL IMPACT STATEMENT**

**WHOLE APE ON 7.5'USGS TOPOGRAPHIC MAP
(LOCATED WITHIN RIVERLANDS, HANFORD, GABLE BUTTE,
IOWA FLATS AND SNIVELY BASIN)**

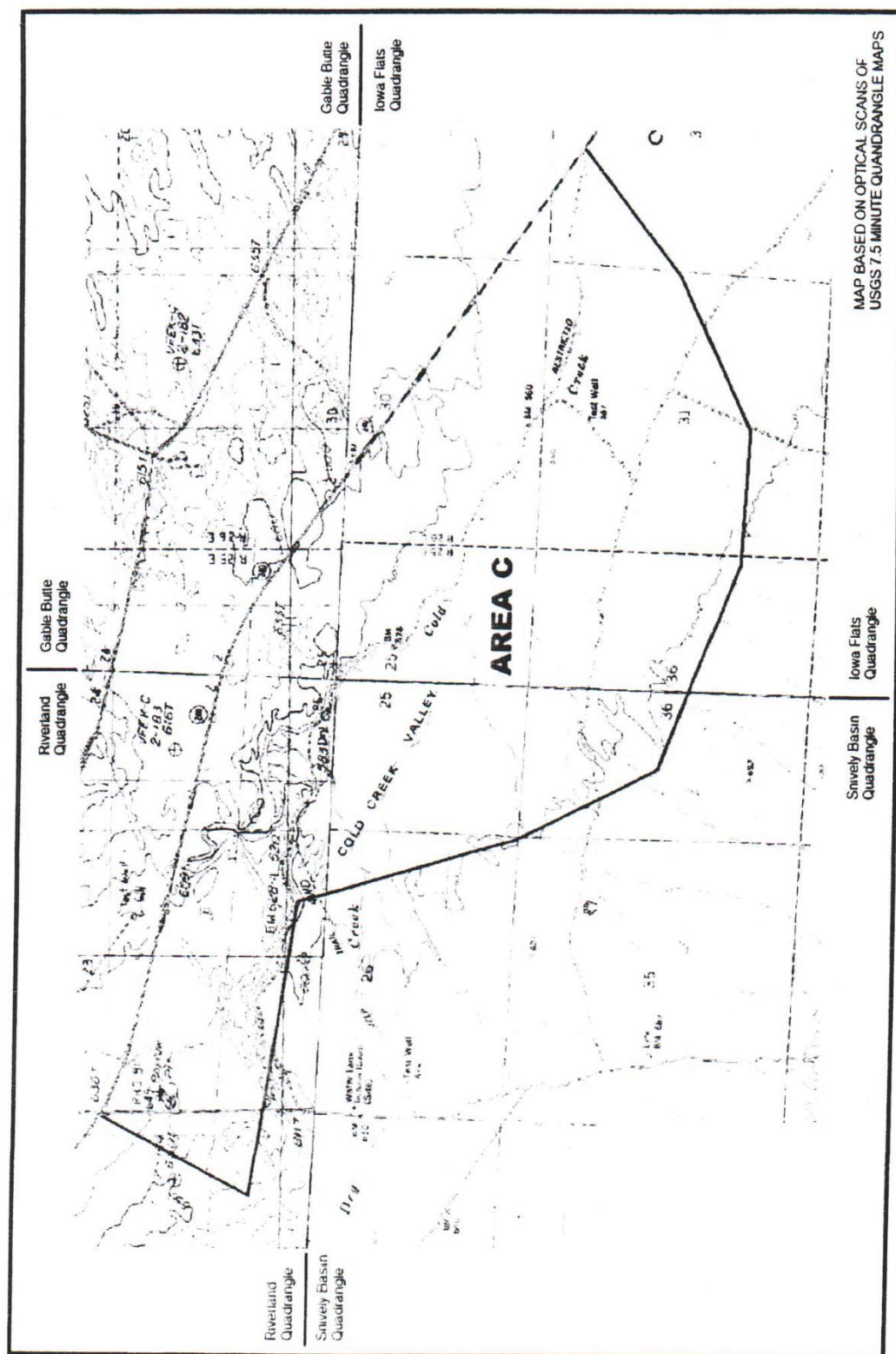
AREA C APE ON 7.5 USGS TOPOGRAPHIC MAP

**VIEWSHED PHOTOS
RATTLESNAKE MOUNTAIN LOOKING NORTH
GABLE MOUNTAIN LOOKING SOUTH**

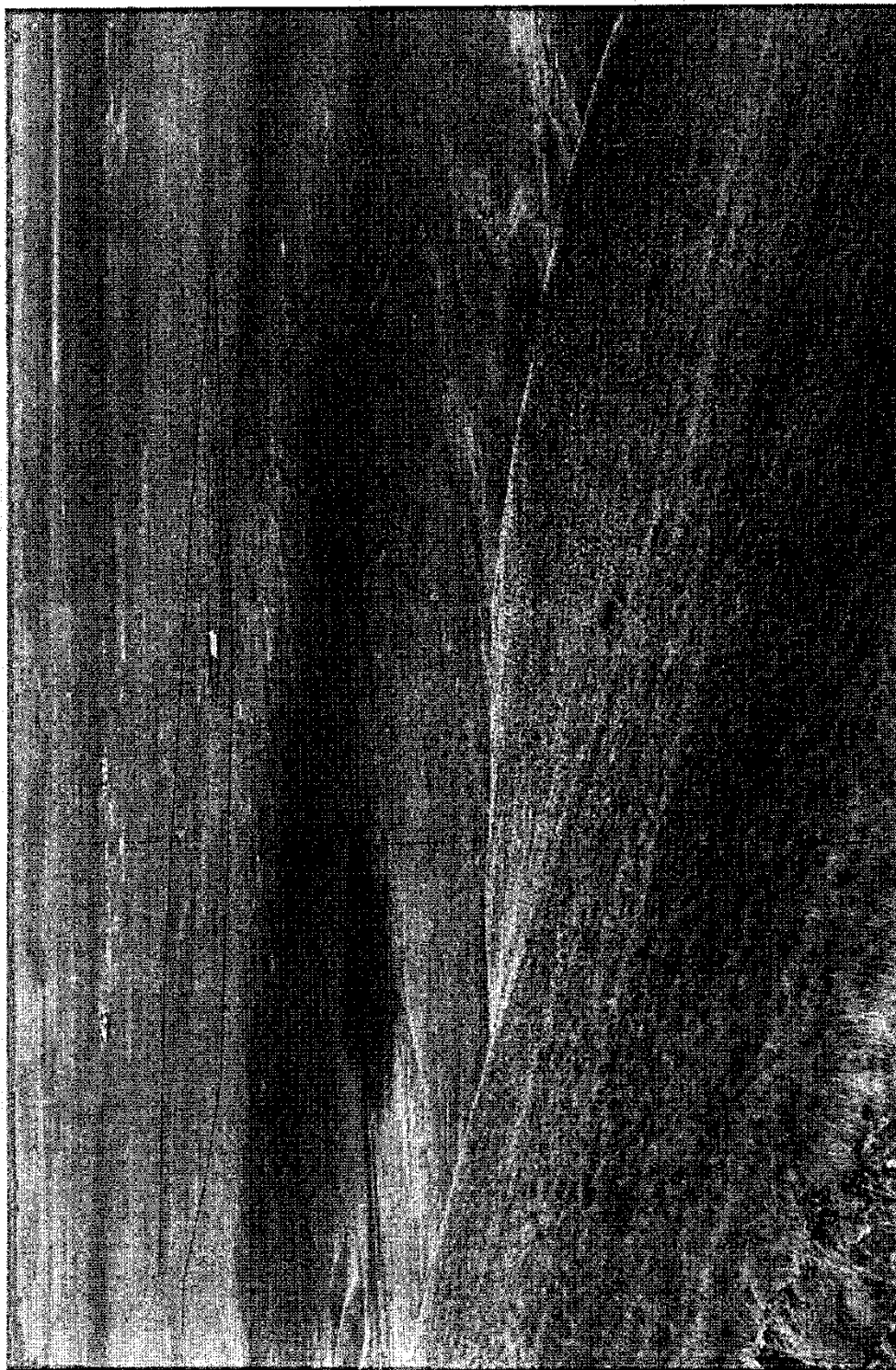
Enclosure 2 to Confederated Tribes and Bands of the Yakama Nation, April 6, 2007 –
Maps/Photos (continued)



Enclosure 2 to Confederated Tribes and Bands of the Yakama Nation, April 6, 2007 –
Maps/Photos (continued)



**Enclosure 2 to Confederated Tribes and Bands of the Yakama Nation, April 6, 2007 –
Maps/Photos (*continued*)**



**Enclosure 2 to Confederated Tribes and Bands of the Yakama Nation, April 6, 2007 –
Maps/Photos (*continued*)**



CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – July 20, 2007



**U.S. Department of Energy
Office of River Protection**

P.O. Box 450, MSIN H6-60
Richland, Washington 99352

07-ORP-016

JUL 20 2007

Mr. Russell Jim, Manager
Environmental Restoration/
Waste Management Program
Confederated Tribes and Bands
of the Yakama Indian Nation
2808 Main Street
Union Gap, Washington 98903

Dear Mr. Jim:

**TANK CLOSURE AND WASTE MANAGEMENT (TC & WM) MEETINGS WITH THE
YAKAMA TRIBE AND THE U.S. DEPARTMENT OF ENERGY, OFFICE OF RIVER
PROTECTION (ORP)**

This letter is to follow up on conversations ORP had with you and your staff regarding setting up quarterly meetings on the TC & WM Environmental Impact Statement (EIS). ORP would like to thank you for your interest in the offer Dr. Inés R. Triay made on May 31, 2007, to have a more focused meeting as part of the consultation process on the EIS. We would like to commence quarterly meetings and below are suggested dates for the remaining quarters this fiscal year. Please let us know which dates each quarter works for you.

July 31, 2007 or August 15, 2007
September 18, 2007 or October 2, 2007

If you have any questions, please contact me, or your staff may contact Kim Ballinger, (509) 372-0810.

Sincerely,

A handwritten signature in black ink, appearing to read "Shirley J. Olinger".

Shirley J. Olinger, Acting Manager
Office of River Protection

cc: I. R. Triay, EM-1
K. V. Clarke, RL
P. Rigdon, YN

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – September 5, 2007

From: Rodriguez, Annabelle L
Sent: Wednesday, September 05, 2007 5:15 PM
To: 'camille.pleasants@colvilletribes.com'; 'TearaFarrow'; 'julie'; 'StuartHarris'; 'RicoCruz'; 'Gabriel Bohnnee'; 'veras@nezperce.org'; 'Darla Jackson'; 'Mike'; 'Tony Smith'; 'Rex'; 'Jim, Russell'; 'Dana'; 'Greg Cleveland'; 'Leah Sue'; 'whr2hydro@verizon.net'; 'barbaraharper@ctuir.com'; 'hazmat@yakama.com'; 'lbuck@gcpud.org'
Cc: Clarke, Kevin V; Garcia, Pete J Jr; Prendergast-Kennedy, Ellen L; Sijohn, Francis A; Rodriguez, Annabelle L
Subject: Draft Tank Closure and Waste Management EIS (TC&WM EIS) MOA

All,
Attached is the Draft Tank Closure and Waste Management EIS (TC&WM EIS) MOA. The MOA refers to the February, 2006 Federal Register Notice. That Notice and a map can be found in the July 30, 2007 correspondence that DOE transmitted to Tribes/SHPO (cultural review and survey, 07-SED-0325, for this project).
As stated in my previous email, Project staff would like to meet on September 18 to begin discuss on the draft TC&WM EIS MOA. Location and time to follow. I will set up a telecon line if you would like to participate by phone.

ACHP has been invited to participate in the MOA. You will be receiving a copy of the letter within the week.

Thank you,
Annabelle Rodriguez

**Attachment to Confederated Tribes and Bands of the Yakama Nation, September 5, 2007 –
Memorandum of Agreement**

Draft September 5, 2007 4:15 p.m.

--DRAFT--

**MEMORANDUM OF AGREEMENT
FOR TANK CLOSURE AND WASTE MANAGEMENT
ENVIRONMENTAL IMPACT STATEMENT,
HANFORD SITE, RICHLAND, WASHINGTON
AMONG THE U. S. DEPARTMENT OF ENERGY,
THE WASHINGTON STATE HISTORIC PRESERVATION OFFICE,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**

**CONSULTING PARTIES & CONCURRING SIGNATORIES: YAKAMA NATION,
CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION,
WANAPUM, AND THE NEZ PERCE TRIBE**

WHEREAS, the U. S. Department of Energy (DOE) has proposed an undertaking consisting of the proposed actions and alternatives described in the revised Notice of Intent (NOI) for the Tank Closure & Waste Management Environmental Impact Statement (TC&WM EIS) [71 Fed. Reg. 5655, February 2, 2006] [Attachment A]. Two primary project activity areas include the 200 East and 200 West Areas. The proposed actions would involve the use of the borrow source at Area C, located in the 600 Area of the Hanford Site (see attached map for description). In order to implement the action(s) DOE decides to pursue, based on the analyses presented in the TC&WM EIS (and as documented in a Record of Decision, or ROD, at the end of the EIS process), DOE would need to acquire additional quantities of fine-grained silt loam material from Area C; and

WHEREAS, the TC&WM EIS analyses will include discussion of potential impacts to cultural, aesthetic, and historic resources, and will identify tribal interests, concerns, and issues regarding the proposed use of the borrow source at Area C. The EIS will also identify possible mitigation measures that DOE could take to offset potential environmental impacts that have been identified. This information will be presented for consideration by other agencies, stakeholders, and Tribal nations during the public comment period on the Draft TC&WM EIS, currently scheduled for Spring 2008. In consideration of the input from Federal, state, and local agencies, consultations with Native American tribal governments, and public comments on the Draft EIS, DOE will revise and publish a Final EIS, followed by a ROD to document the decisions reached by DOE based on the EIS analyses. The ROD will also identify the mitigation actions that DOE would take to minimize or avoid the potential adverse impacts associated with implementing the selected actions; and

WHEREAS, the Record of Decision (ROD) for the *Hanford Comprehensive Land Use Plan Environmental Impact Statement* (HCP EIS) selected the preferred alternative for implementation, as presented in the final EIS. Borrow source Area C was designated as

**Predecisional Draft
For Discussion Purposes Only**

Page 1 of 6

**Attachment to Confederated Tribes and Bands of the Yakama Nation, September 5, 2007 –
Memorandum of Agreement (*continued*)**

Draft September 5, 2007 4:15 p.m.

"Conservation (Mining)" as DOE's preferred quarry site for basalt rock and silty soil materials to be used for large waste-management area covers in the Central Plateau. The final HCP EIS preferred alternative indicates that a portion of the ALE Reserve (Borrow Area C) would be managed as Conservation (Mining) during the remediation of the Hanford Site, and would be DOE's preferred quarry site for basalt rock and silty soil materials to be used for large waste-management area covers in the Central Plateau. The final HCP EIS discussion indicates that this designation was being made as a trade-off, based on DOE's receipt of public comments on the Draft EIS and input from the cooperating agencies, including area Tribes. Greater value was placed by the public and the cooperating agencies on preservation of the wildlife corridor running through the McGee Ranch/Umtanum Ridge area, which DOE had previously identified as its preferred quarry site. In addition to the wildlife corridor function, the mature shrub-steppe vegetation structure in the McGee Ranch area was considered to have greater wildlife value than the cheat grass in the ALE Reserve (Borrow Area C) quarry site. As a result of this tradeoff, the McGee Ranch was included in the National Wildlife Refuge and designated as Preservation, and the ALE Reserve (Borrow Area C) designated as Conservation (Mining).

WHEREAS, DOE has conducted a cultural resources review (CRR) and inventory in support of the proposed actions being evaluated in the TC&WM EIS (#2007-600-018). Several CRRs are associated with the borrow source at Area C, and the cultural resources review of Area C is now considered to be complete. (Attachment B, Letter dated July 30, 2007 to Dr. Allyson Brooks, State Historic Preservation Officer, from David A. Brockman, Manager, DOE Richland Operations Office). The CRRs identify the cultural resources located within the area of potential project effect; and

WHEREAS, after further review, in July 2007 DOE identified that the proposed project activities would indirectly result in visual and auditory effects to Rattlesnake Mountain, Gable Butte, and Gable Mountain. Borrow Source Area C was found to have no potential to contain subsurface cultural resources, and low potential for other areas; and

WHEREAS, DOE has consulted with the Washington State Historic Preservation Officer (SHPO), Advisory Council on Historic Preservation (ACHP), Confederated Tribes of the Umatilla Indian Reservation, Nez Perce, Wanapum, and the Yakama Nation, in accordance with Section 106 of the National Historic Preservation Act (NHPA), and pursuant to implementing regulations published in 36 CFR Part 800, to address the adverse effects on historic properties; and

WHEREAS, pursuant to 36 CFR 800.6(c)(3) DOE has invited the Confederated Tribes of the Umatilla Indian Reservation, Nez Perce Tribe, Wanapum, and the Yakama Nation to sign this MOA as concurring parties;

**Predecisional Draft
For Discussion Purposes Only**

Page 2 of 6

**Attachment to Confederated Tribes and Bands of the Yakama Nation, September 5, 2007 –
Memorandum of Agreement (continued)**

Draft September 5, 2007 4:15 p.m.

NOW, THEREFORE, DOE agrees to implement the following stipulations in satisfaction of its NHPA Section 106 obligations for the proposed undertaking:

STIPULATIONS

DOE will ensure that the following stipulations are carried out:

I. MITIGATE ADVERSE EFFECTS TO CULTURAL INTEGRITY OF HABITAT AND TO TRADITIONAL PLANTS

1. DOE will consider all tribal recommendations consistent with the BrMAP for those areas that will be disturbed and/or affected by the proposed undertaking.
2. Tribes will be invited to participate in ecological and/or biological surveys, and in revegetation efforts related to the Area C borrow source wherever possible.
3. DOE will seek early involvement, consultation, and input from Hanford Tribes and Hanford groups who have experience in Hanford restoration to achieve culturally relevant and successful reclamation and/or re-vegetation of the impacted area. DOE will also review other available reclamation and/or re-vegetation documents that have been prepared for use at Borrow Source Area C for guidance and relevance to the undertakings addressed by this Memorandum of Agreement (MOA) (e.g., the Reclamation Plan developed under the NHPA Section 106 MOA for the 216-U-8 waste site in the 200-West Area, as part of a CERCLA five-year treatability study concerning the effectiveness of surface barriers).
4. DOE will commit to a culturally relevant native plant re-vegetation strategy as a preference where possible. If appropriate and feasible (in accordance with the Biological Resources Management Plan (BrMAP) [identify section(s)] and other guidance documents as described in Stipulation 3, native plant species from local germ-plasm will be used in the reclamation and re-vegetation seed mixture.
5. In accordance with the BrMAP [identify section(s)], DOE will commit to long-term reclamation rather than interim soil stabilization (with the caveat that there may be some cases where interim soil stabilization may not be avoidable if duration of activities is longer term). Specific guidelines will be developed collaboratively and incorporated into this MOA as an appendix, as appropriate, to help achieve this goal.

II. MINIMIZATION AND AVOIDANCE OF VISUAL, AIR QUALITY AND AUDIBLE IMPACTS

6. To minimize visual impacts resulting from the borrow pit, the project will restore and

**Predecisional Draft
For Discussion Purposes Only**

Page 3 of 6

**Attachment to Confederated Tribes and Bands of the Yakama Nation, September 5, 2007 –
Memorandum of Agreement (*continued*)**

Draft September 5, 2007 4:15 p.m.

recontour the area in a culturally relevant manner as per stipulations 1-5 above.

7. To avoid visual and air quality impacts that may result from dust caused by construction activities, DOE will implement dust control procedures and apply soil fixative and water the area routinely.

8. To minimize visual and audible effects of project activities, DOE will coordinate timing of construction to assure that these activities do not unnecessarily interfere with Tribal ceremonial activities and religious use of Rattlesnake Mountain (*Laliik*). The tribes will be notified prior to project construction activities.

9. On a quarterly DOE will provide information to all parties on the implementation of the stipulations in this MOA over the duration of the project, and then annually over the course of the five-year revegetation effort.

10. Placeholder which could reflect what is in the final TC&WM EIS chapter on mitigation, and to the ROD.

III. ADMINISTRATIVE PROVISIONS

Dispute Resolution

1. If the SHPO or ACHP raises an objection to, or has a dispute regarding fulfillment of the terms of this MOA, that party will file a written objection with DOE.
2. Upon receipt of a written objection or dispute, DOE will consult with the disputant to resolve the objection or dispute. DOE also will notify the other signatories and concurring parties of the objection or dispute.
3. If DOE cannot resolve the objection or dispute within 60 calendar days of receipt of the written objection, they will forward to the ACHP documentation of the objection or dispute, a written proposal for its resolution, and request the ACHP's comments.
4. Within 30 calendar days of receipt of the written submittal, the ACHP shall either:
 - a. Notify DOE that it will not consider the dispute or provide recommendations, in which case the agencies may proceed with the proposed action; or,
 - b. Concur with DOE's proposed response to the objection and or dispute, whereupon they may proceed in accordance with the agreed-upon response; or,

**Predecisional Draft
For Discussion Purposes Only**

Page 4 of 6

**Attachment to Confederated Tribes and Bands of the Yakama Nation, September 5, 2007 –
Memorandum of Agreement (*continued*)**

Draft September 5, 2007 4:15 p.m.

- c. Provide DOE with recommendations, which DOE will take into account in reaching a final decision regarding response to the objection and/or dispute.
5. DOE shall take into account ACHP recommendations or comments provided in accordance with this stipulation with reference only to the subject of the objection; the DOE's responsibility to carry out actions under this MOA that are not the subject(s) of the dispute or objection shall remain unchanged. While the dispute is being resolved, the MOA continues in effect without change or suspension.
6. If the ACHP or a SHPO is contacted by a signatory, concurring party, or by a member of the public to discuss a significant concern or objection about implementation of the terms of this MOA, the contacted entity will notify DOE of the issue.
7. DOE will keep consulting parties apprised of any concern or objection raised and how each is resolved.

Amendments

Any concurring party and/or signatory to this MOA may request in writing to DOE that the MOA be amended. DOE will consult with the signatory and concurring parties in accordance with the procedures of 36 CFR § 800.6(c) for developing MOAs.

Termination

This MOA may be terminated by mutual agreement by providing an advance 30-day written notice to the other parties, provided that the parties will continue to consult during this 30-day waiting period in an attempt to reach agreement on actions that could be taken to avoid termination.

Effective Date

This MOA will become effective on the date that it has been signed by all signatories. DOE will ensure that each consulting party is provided a copy of the fully executed MOA.

IV. Signatories

Department of Energy

By: _____ Date: _____

Dave Brockman
Manager, Richland Operations Office

Predecisional Draft
For Discussion Purposes Only

Page 5 of 6

**Attachment to Confederated Tribes and Bands of the Yakama Nation, September 5, 2007 –
Memorandum of Agreement (*continued*)**

Draft September 5, 2007 4:15 p.m.

By: _____ Date: _____
Shirley Olinger
Acting Manager, Office of River Protection

Washington State Department of Archaeology and Historic Preservation

By: _____ Date: _____
Allyson Brooks
State Historic Preservation Officer

Advisory Council on Historic Preservation

By: _____ Date: _____
Jim Fowler

V. CONCURRING PARTIES:

Nez Perce Tribe

By: _____ Date: _____
xxxxxxxxxx
title

Confederated Tribes of the Umatilla Indian Reservation

By: _____ Date: _____
xxxxxxxxxx
title

Wanapum Tribe

By: _____ Date: _____
xxxxxxxxxx
title

Yakama Nation

By: _____ Date: _____
xxxxxxxxxx
title

Predecisional Draft
For Discussion Purposes Only

Page 6 of 6

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – October 25, 2007



Department of Energy
Washington, DC 20585
OCT 25 2007

Mr. Russell Jim
Manager, Environmental Restoration/Waste Management Program
Confederated Tribes and Bands of the Yakama Nation
Post Office Box 151, Fort Road
Toppenish, WA 98948

Dear Mr. Jim:

This letter is in response to your August 7, 2007, letter containing the report titled "Rethinking the Challenge of High-Level Nuclear Waste" (attached).

We appreciate the efforts of the Yakama Nation in assessing the current status of High-Level Waste (HLW) and Spent Nuclear Fuel (SNF) management. The Department continually evaluates new and improved methods for managing its waste and nuclear materials programs. The National Academies/National Research Council has conducted reviews and analyses of these and related programs in the past, and the Department continues to rely on their expertise to provide guidance for our efforts in these areas. We believe the issues you raised in the report concerning the repository at Yucca Mountain are more appropriately addressed by the Department's Office of Civilian Radioactive Waste Management and those regarding the Global Nuclear Energy Partnership Office by the Office of Nuclear Energy, Science and Technology.

We have provided both of those offices a copy of your report. The Office of Environmental Management (EM) is responsible for managing the Department's HLW and SNF, and we will address issues in those areas. EM is in the process of creating a HLW Corporate Board to evaluate the implications of HLW issues and their potential impact on our operations and to recommend solutions to senior EM management. We consider many of the issues you raised regarding HLW to be appropriate for consideration by the Board. We will work with Departmental organizations and the National Academies, as appropriate, in addressing your concerns.

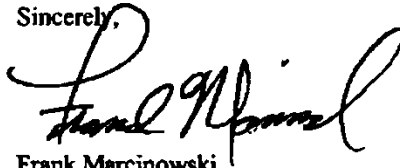
* Attachment not included.

**CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – October 25, 2007
(continued)**

2

Thank you for your concern and interest in the Department's HLW and SNF programs. If you have any questions, please contact me at (202) 586-0370 or Ms. Christine Gelles, at (301) 903-1669.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Marcinowski". The signature is fluid and cursive, with a large initial "F" and "M".

Frank Marcinowski
Deputy Assistant Secretary for
Regulatory Compliance
Office of Environmental Management

cc: Christopher Kouts, RW-9
Dennis Miotla, NE-3

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – November 7, 2007



U.S. Department of Energy
~~OFFICE OF RIVER PROTECTION~~
P.O. Box 450, MSIN H6-60
Richland, Washington 99352

NOV 07 2007

07-ESQ-210

Mr. Russell Jim, Manager
Environmental Restoration/
Waste Management Program
Confederated Tribes and Bands
of the Yakama Indian Nation
2808 Main Street
Union Gap, Washington 98903

Dear Mr. Jim:

TANK CLOSURE AND WASTE MANAGEMENT (TC & WM) ENVIRONMENTAL
IMPACT STATEMENT (EIS) CULTURAL INFORMATION

This letter is to follow up on conversations the U.S. Department of Energy (DOE), Office of River Protection had with your staff when we met on October 11, 2007. At that meeting DOE indicated that if you wanted to provide some narrative to be included in the TC & WM EIS related to your unique cultural and historic perspective on the Hanford Site, and specifically Rattlesnake and Gable Mountains, we would provide you that opportunity. DOE invites the Yakama Indian Nation to submit its unique perspectives in such a write up, which can either be coordinated with the perspectives of other tribes, or provide just the Yakama's unique tribal perspective. This write up will be included in the TC & WM EIS draft and can be updated or expanded upon, as you wish, in the final EIS. The write up should be provided to Mary Beth Burandt by December 14, 2007, to assure its inclusion in the draft.

If you have any questions, please contact me, or your staff may contact Mary Beth Burandt, Office of the Environmental Safety and Quality, (509) 372-7772.

Sincerely,

A handwritten signature in black ink, appearing to read "S. J. Olinger".

Shirley J. Olinger, Acting Manager
Office of River Protection

ESQ:MEB

cc: F. Marcinowski, EM-10
M. A. Nielson, EM-13
J. E. Loving, GC-20
S. L. Dahl, Ecology
J. J. Lyon, Ecology
P. Rigdon, YN
W. Rigsbee, YN

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – November 8, 2007



**U.S. Department of Energy
Hanford Site**

NOV 8 2007

07-ORP-031

Mr. Russell Jim, Manager
Environmental Restoration/
Waste Management Program
Confederated Tribes and Bands of
the Yakama Indian Nation
P.O. Box 151
Toppenish, Washington 98948

**TANK CLOSURE AND WASTE MANAGEMENT ENVIRONMENTAL IMPACT
STATEMENT (TC & WM EIS) CONSULTATION**

Dear Mr. Jim:

On October 11, 2007, DOE held a meeting with you in Richland, Washington, to discuss the consultative process for the Tank Closure and Waste Management Environmental Impact Statement (TC & WM EIS). DOE appreciates the opportunity to meet and respond to you and your staff's questions regarding the development and release of the Draft TC & WM EIS. In that meeting you stated that the Yakama Indian Nation (YN) is not requesting consultative interaction until the YN have had an opportunity to receive and review a copy of the Draft TC & WM EIS, currently scheduled to be available in Spring 2008.

Although the YN have not requested formal consultative interactions prior to the release of the Draft TC & WM EIS, DOE believes it is important to continue with our quarterly meetings regarding the Draft TC & WM EIS. DOE will continue to schedule these quarterly meetings.

DOE looks forward to additional opportunities to meet with you or consult with the YN regarding cleanup of the Hanford Site. If you have questions or concerns regarding this letter, please contact either Shirley J. Olinger, (509) 372-3062, or David A. Brockman, (509) 376-7395.

Shirley J. Olinger, Acting Manager
Office of River Protection

David A. Brockman, Manager
Richland Operations Office

**Office of River Protection
P.O. Box 450
Richland, Washington 99352**

**Richland Operations Office
P.O. Box 550
Richland, Washington 99352**

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – May 29, 2008

From: Prendergast-Kennedy, Ellen L [Ellen.Prendergast@pnl.gov]
Sent: Thursday, May 29, 2008 12:10 PM
To: camille.pleasants@colvilletribes.com; HNRTC - Russell, Jim; Leah Sue; Greg Cleveland; whr2hydro@verizon.net; Dana Miller; Rex; lbuck@gcpud.org; Lela Buck; Mike; veras@nezperce.org; Darla Jackson; HNRTC - Smith, Anthony; hazmat@yakama.com; jlongene; TearaFarrow; HNRTC - Harris, Stuart; tombailor@ctuir.com; HNRTC - Cruz, Rico; Whitlam, Rob (DAHP)
Cc: Rodriguez, Annabelle L; Sijohn, Francis A; Prendergast-Kennedy, Ellen L; Leonard, Michael W; McFarland, Douglas P
Subject: APE notification for INTERIM PRETREATMENT SYSTEM FACILITY TO SUPPORT TREATMENT OF HANFORD TANK WASTE AND THE WASTE TREATMENT PLANT. HCRC# 2008-200-017
Attachments: APE.pdf

Good morning all,

Please find attached an APE notification initiating the cultural resources review for Interim Pretreatment System Facility to Support Treatment of Hanford Tank Waste and the Treatment Plant (HCRC#2008-200-017)

We are tentatively planning to conduct a field survey of the ~13 acre area in the 200 East Area where the proposed Interim Pretreatment System facilities may be sited on June 5, 2008 (HCRC# 2007-200-017)

The project engineer has requested FH (landlord) to retrieve the most recent radiological survey data available for the 13 acre area based on the concern regarding site surface contamination raised at the tribal cultural resources issues meeting on May 22, 2008. It is the expectation that the information will be available for you before the June 5 survey date. If the information cannot be made available by the June 5 survey date, the survey will need to be cancelled and rescheduled. A notification of schedule change will be sent no later than Wednesday morning on June 4, 2008.

I will be out of the office between May 30 and June 4, 2008, so all future communications regarding radiological information and survey schedule change will be communicated to you from Annabelle Rodriguez and/or Doug McFarland.

We will be leaving the Sigma Five building at 8:30 and can meet those travelling in at the WTP entrance to the 200 East Area.

Ellen P. Kennedy, Anthropologist
Project Manager
Hanford Cultural Resources Project
Pacific Northwest National Laboratory
PO Box 999, MSIN K6-75
Richland, Washington 99352
phone (509) 371-7105 fax (509) 371-7083 mobile: (509) 430-6211

NOTE: NEW PHONE AND FAX NUMBER

**Attachment to Confederated Tribes and Bands of the Yakama Nation, May 29, 2008 –
Project Description**

From the desk of
ANNABELLE L. RODRIGUEZ
U.S. Department of Energy, Richland Operations Office
Cultural and Historic Resources Program
(509) 372-0277 Fax (509) 376-0306

This letter is to notify your office of a Section 106 Cultural Resources Review recently received by the U.S. Department of Energy, Richland Operations Office. This review proposes a project determined to be an undertaking which might affect historic properties. This notification is in accordance with 36 CFR Part 800.4(a) to document the area of potential effect for this project. This correspondence is also being sent to you to seek consultation on these projects per 36 CFR 800. The Hanford Cultural Resources Project (HCRP), the Hanford Site cultural resources contractor, has compiled the attached information. Please contact me at (509) 372-0277 or Ellen Prendergast, HCRP Section 106 Coordinator (509) 376-4626 if you have any questions.
Thank you,
Annabelle Rodriguez

May 29, 2008

**CULTURAL RESOURCES REVIEW FOR INTERIM PRETREATMENT SYSTEM
FACILITY TO SUPPORT TREATMENT OF HANFORD TANK WASTE AND THE
WASTE TREATMENT PLANT. HCRC# 2008-200-017**

Background

Construction of the the U. S. Department of Energy's Waste Treatment Plant (WTP) Pretreatment (PT) facility was delayed to allow for resolution of seismic and other technical issues and is projected to be operational in 2019. The WTP Low Activity Waste (LAW) Vitrification facility construction could be ready for startup approximately five years before the PT facility around 2014. Since the LAW facility relies on the PT facility to provide feed, the LAW startup would have to be delayed or an alternate feed source identified.

The Interim Pretreatment System (IPS) Facility is being proposed as an interim solution to the address the time gaps between completions of these two facilities. The IPS would provide pretreated LAW feed and allow the WTP LAW facility to begin operation in advance of the WTP Pretreatment facility. An earlier start to LAW treatment would also provide additional tank farm space management benefits and would allow for early processing and final treatment of LAW waste. Preliminary evaluations indicated that 5 years of early LAW treatment could free up 4.7 million gallons of double shell tank (DST) space and process up to 8% of the total LAW inventory (see RPP-29981).

Project Description

The proposed project is currently in the preconceptual planning stages. Two locations in the 200 East Area of the Hanford Site have been identified for the siting of the IPS facility (Figure 1). Construction and operations are planned to support treatment of tank wastes and the Waste Treatment Plant Vitrification Facility. The two potential sites are identified as IPS Candidate Site numbers 1 & 2 in Figure 2. Figure 2 also depicts the approximate

**Attachment to Confederated Tribes and Bands of the Yakama Nation, May 29, 2008 –
Project Description (*continued*)**

location of the IPS Facility and additional footprint required for construction. The footprint area for IPS Candidate Site number 1 totals approximately 8 acres and IPS Candidate Site number 2 totals approximately 4.2 acres. Expected ground disturbing activities that may occur in the proposed footprints includes waste processing facilities, connections to water and waste treatment lines, facility ventilation, support buildings, parking area and contingency space for waste processing facility expansion (Figure 2). Waste processing facilities will include concrete vaults containing process vessels that will extend approximately 30 feet below grade; similarly, concrete building enclosed processing vessels may extend approximately 30 feet above grade also.

Area of Potential Effect (APE): The direct effects Area of Potential Effect (APE) is confined to the two proposed locations and associated footprint as well as additional areas of ground disturbance required to access existing waste treatment and water lines located north of the proposed facility locations identified in Figure 2 and 3.

Existing Information

- The project APE has been surveyed for cultural resources by three different surveys located in close proximity to each other covering all of the project APE; HCRC#96-200-109, HCRC# 87-200-002 and HCRC#88-200-015. No cultural resources were located by these surveys.
- A review of 2006 aerial photographs of the project area indicates that most of the project area is undisturbed (Figure 3)
- The project was presented at the DOE Cultural and Historic Resources Program tribal cultural resources meeting on May 22, 2008. Tribes expressed an interest in having the area resurveyed for cultural resources because the area is undisturbed. A survey is tentatively scheduled for June 5, 2008.

Next Steps

- Seek and gather input on impacts to historic properties
- Complete cultural resources review assessment

**Attachment to Confederated Tribes and Bands of the Yakama Nation, May 29, 2008 –
Project Description (*continued*)**

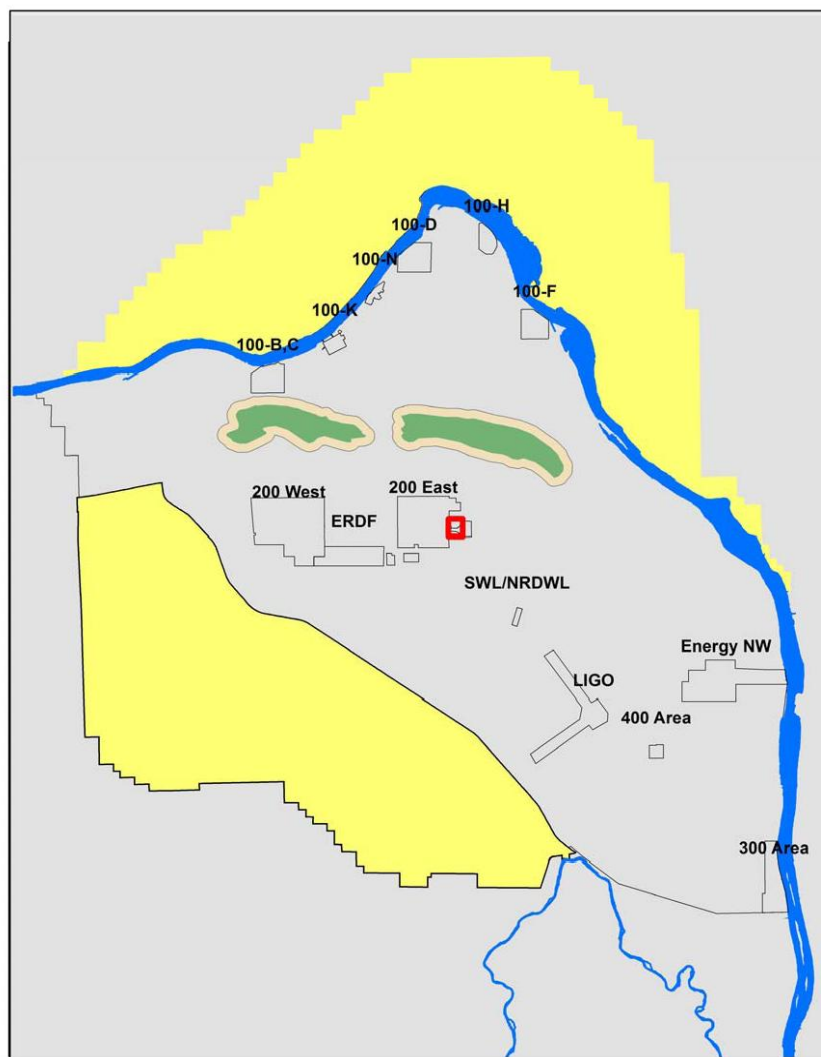


Figure 1. Overview of Hanford Site and relative location of project area, depicted in red, east of the 200 East Area.

Attachment to Confederated Tribes and Bands of the Yakama Nation, May 29, 2008 – Project Description (continued)

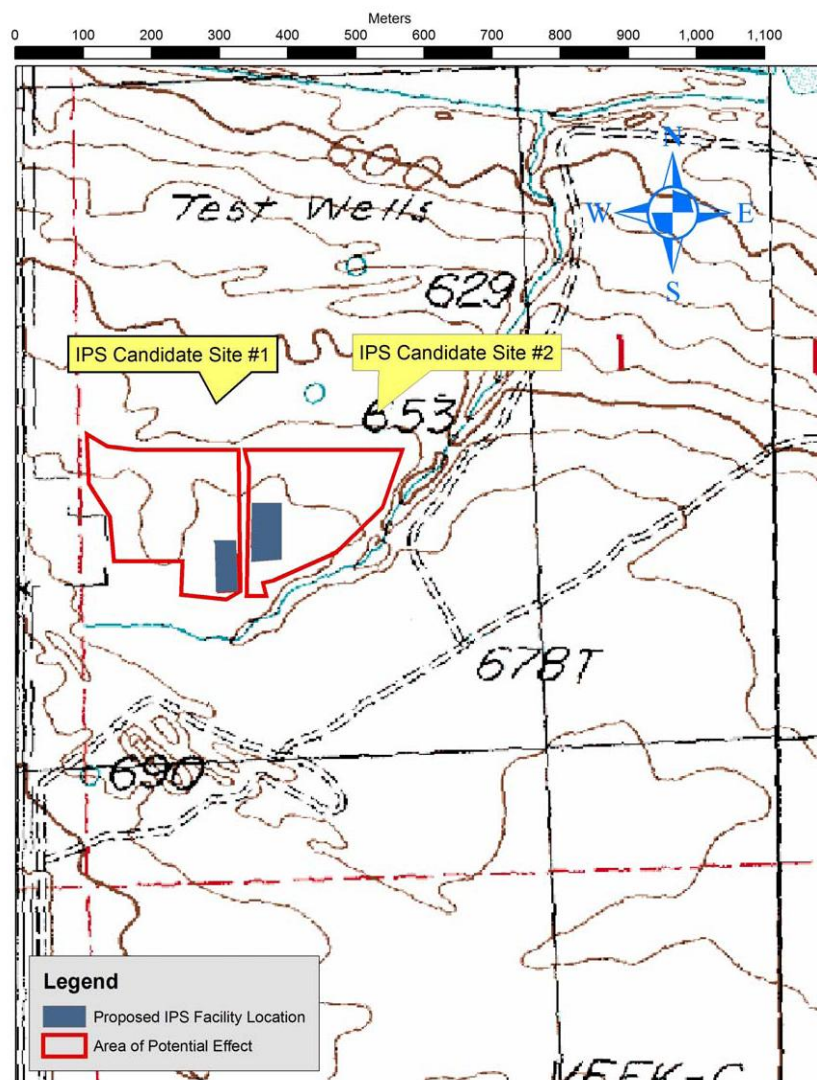


Figure 2. Area of potential effect overlaid on a USGS topographic map, Washington State Quadrangle, Gable Butte, 1986, 7.5' Series. Township 12 North, 26 East, Section 1.

**Attachment to Confederated Tribes and Bands of the Yakama Nation, May 29, 2008 –
Project Description (*continued*)**



Figure 3. Area of potential effect overlaid on a 2006 aerial photograph.

References:

RPP-29981, March 2007, *Evaluation of Starting the Waste Treatment and Immobilization Plant (WTP) Low Activity Waste (LAW) Facility First*, Rev. 1, CH2M HILL Hanford Group, Inc., Richland WA.

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – June 4, 2008



U.S. Department of Energy
Office of River Protection
P.O. Box 450, MSIN H6-60
Richland, Washington 99352

JUN 04 2008

08-ESQ-112

Mr. Russell Jim, Manager
Environmental Restoration/
Waste Management
Confederated Tribes and Bands
of the Yakama Nation
28088 Main Street
Union Gap, Washington 98903


Dear Mr. Jim:

ENVIRONMENTAL IMPACT STATEMENT GROUNDWATER MODELING PROGRESS

I am writing to let you know that we have finished the material property evaluation of the vadose zone. This evaluation process was briefed at the Hanford Advisory Board meeting on February 7, 2008, and at the cultural resource committee on April 17, 2008. You had some members of your staff attend these meetings, and an offer was made to provide a more detailed update. Also, to further our communications, we offer to resume the quarterly informational briefings with your technical staff and are prepared to conduct the first on July 9, 2008.

Please contact Mary Beth Burandt, Environmental Compliance Division, (509) 372-7772, to set up a specific time and date for this critical informational briefing.

Sincerely,


Shirley J. Olinger, Manager
Office of River Protection

ESQ:MEB

cc: F. A. Sijohn, RL

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – February 3, 2010



U.S. Department of Energy
Office of River Protection
P.O. Box 450, MSIN H6-60
Richland, Washington 99352

10-ORP-003

FEB 03 2010

Mr. Ralph Sampson, Jr., Chairman
Tribal Council
Yakama Nation
P.O. Box 151
Toppenish, Washington 98948

Dear Chairman Sampson:

**DRAFT TANK CLOSURE & WASTE MANAGEMENT ENVIRONMENTAL IMPACT
STATEMENT (TC & WM EIS) CONSULTATION**

The purpose of this letter is to communicate the U.S. Department of Energy (DOE), Office of River Protection's (ORP) interest in consulting with the Yakama Tribe on the Draft TC & WM EIS. The Draft TC & WM EIS analyzes the following three key areas: (1) retrieval and management of waste from 177 underground storage tanks at Hanford and closure of the single-shell tanks; (2) decommissioning of the Fast Flux Test Facility, a nuclear test reactor, and its auxiliary facilities; and (3) ongoing and expanded solid waste management operations on site, including the disposal of Hanford's waste and limited volumes of waste from other DOE sites in an Integrated Disposal Facility(ies). The Draft TC & WM EIS also analyzes No Action Alternatives for each of the three types of proposed actions.

We would like your counsel in identifying your preferences on how best to consult with the Yakama for the Draft TC & WM EIS. We have already provided your staff with copies of the Draft TC & WM EIS as well as summaries when it came out in October, 2009. Since the beginning of the Draft TC & WM EIS process in 2006, the Document Manager, Mary Beth Burandt has spoken with your staff on many occasions about technical issues and concerns. Discussions related to the National Historic Preservation Act had been on going, and at the request of your staff, those discussions were delayed until the release of the Draft TC & WM EIS for review. We believe now is the appropriate time to resume those discussions. In addition, the previous invitation to provide narrative to be included in the final Draft TC & WM EIS related to your unique cultural and historical perspective is still available.

We want to offer to you whatever level of consultation that you desire, with the hope that your comments can be formalized by the March 19, 2010 comment deadline. Consultation activities could include staff-to-staff technical briefings, government-to-government consultations between DOE senior officials and elected Tribal leaders, formal written comments on the Draft TC & WM EIS, or other activities the Yakama would like to propose consistent with established policies and protocols.

**CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION – February 3, 2010
(continued)**

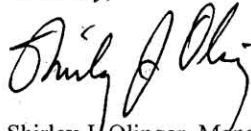
Mr. Ralph Sampson
10-ORP-003

-2-

FEB 03 2010

We welcome the Yakama Tribe's participation in the Draft TC & WM EIS and look forward to establishing a mutually agreed-upon path forward for consultation. If you have any questions, please contact Jill Conrad, DOE Tribal Program Manager, (509) 376-0288.

Sincerely,



Shirley J. Olinger, Manager
Office of River Protection

ORP:TEO

cc: D. A. Brockman, RL
J. L. Conrad, RL
M. S. McCormick, RL
R. Jim, Yakama Tribe